BOUNDARIES AND DOMINION

Volume 3

BOUNDARIES AND DOMINION

AN ECONOMIC COMMENTARY ON LEVITICUS

Volume 3

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INTRODUCTION TO PART V: INHERITANCE (LEV. 25–27)

> *And ye shall hallow the fiftieth year, and proclaim liberty throughout all the land unto all the inhabitants thereof: it shall be a jubile unto you; and ye shall return every man unto his possession, and ye shall return every man unto his family.*
>
> LEVITICUS 25:10

The fifth section of Leviticus begins with Chapter 25, which lists the laws governing the jubilee year: inheritance inside the land's boundaries. The remainder of Leviticus deals with inheritance.

Modern evangelical theologians remain totally hostile to the theonomists' principle of biblical interpretation: any Mosaic law not annulled by the New Covenant is still judicially binding on church, state, or family. Nevertheless, prominent evangelical social commentators—though not the theologians—of the far right and the far left remain fascinated with the jubilee laws of Leviticus 25.

This is a very curious phenomenon. The jubilee laws were explicitly tied to the Promised Land. They were laws governing the sale of real estate and people. They were not revealed by God prior to the exodus, and they applied to no region on earth prior to the conquest of Canaan. Why should evangelical Protestant social commentators who denounce theonomy's hermeneutic of judicial continuity also proclaim the benefits of the jubilee laws? Is there some hidden agenda at work here?

There are two approaches taken by the evangelical commentators. Right-wing evangelicals argue that the jubilee's 50-year cycle was related to inherent limits on debt. Thus, we should in some way honor the jubilee's principle of debt limits. If we fail to do this through some sort of national bankruptcy law, a built-in economic cycle of economic depression and bankruptcy will do it for us. Far-left evangelicals ar-

gue that the jubilee law governed ownership in the broadest sense, not just real estate. Mosaic civil law specified that every rural plot be returned to its original family every 50 years. They conclude from this that the modern state should legislate a massive, compulsory redistribution of capital from the wealthy to the poor.

Both groups are wrong. Neither group comes close to the specifics of the jubilee law. Neither group comes close to the meaning of this law. This is because neither group actually goes to the actual jubilee law with the assumption that every aspect of this law *as well as its Mosaic judicial context* is judicially binding in the New Covenant. Neither suggests a principle of judicial continuity. Each side has an economic agenda, and each misuses Leviticus to promote this agenda.

First, with respect to the right-wing analysis, the jubilee year had very little to do with debt limitation except insofar as a 50-year lease for land is a form of debt. How relevant is it today? Hardly anyone today signs a 50-year lease. This law had nothing to do with consumer debt or business debt for capital equipment, or anything besides Israelite bondservants, land outside of walled cities, and Levites' houses.

Second, with respect to the left-wing analysis, the jubilee law rested legally on God's mandate that Israel invade Canaan and wipe out all of its inhabitants. That is to say, *the jubilee law rested on genocide*. It was an aspect of the original spoils of war. It had nothing to do with a government program of systematic wealth redistribution from the rich to the poor. The jubilee law established that the conquering families of Joshua's era would permanently retain title to their land. This law was announced four decades before the conquest began. The return of rural land to the heirs of these original families every 50 years was not statist wealth redistribution; rather, it was *the judicial defense of original title*. It was therefore a defense of private property. God set the original terms of ownership. The civil government was supposed to uphold this original contract.

A. The Meaning of the Jubilee

The Mosaic law guaranteed that the Israelites would multiply if they obeyed God's law: longer life spans (Ex. 20:12) and zero miscarriages (Ex. 23:26). But a multiplying population leads to ever-shrinking land holdings. As time passed and the population grew, each family plot in Israel would shrink to the point of near-invisibility. Given the fact that the average family allotment at the time of the conquest was under 11 acres, a population that doubled every quarter century (3%

growth per annum) could not remain an agricultural society for very long. Every 24 years, the average family's share of the farm would shrink by half. The average allotment would have been down to a little over an acre within a century with a population growth rate of 3% a year.

The jubilee law had nothing to do with the equalization of property except in the peculiar sense of eventually producing plot sizes so tiny that the value of any given family's landed inheritance was so small that it really did not make any difference. In today's world, an inheritance worth two dollars is twice as large as an inheritance worth one dollar, but in terms of what either inheritance will buy, the percentage difference between them really does not matter.

Then what was the jubilee law all about? First, it was a law that decentralized politics: every heir of a family of the conquest could identify his citizenship in a particular tribe because every family had an inheritance in the land. Ownership stayed inside the tribes. Second, it restricted the accumulation of rural land holdings by the Levites, who could never buy up the land. This geographically dispersed urban tribe would remain dispersed. Third, it kept the state from extending its land holdings on a permanent basis. Fourth, it kept foreigners from buying permanent residences outside of walled cities where homes were not under the jubilee law. Fifth, it pressured the nation to move into walled cities or emigrate out of Israel when population growth had its effect on farm size.

There was an overall economic principle at work here: those outside the covenants—civil, familial, and ecclesiastical—should be kept economically and numerically subordinate to those inside the covenants. This is not discussed by commentators.

If Israel remained covenantally faithful as a nation, the life style of the typical Israelite would not remain agricultural. A few generations after the conquest, the nation would have become an urbanized center of commerce. More than this: the old wineskin of the original grant of territory to Joshua's generation could not long hold the new wine of population growth. The Promised Land's boundaries would be broken. The Israelites would spread beyond the nation's borders.

Having said all this, now I must prove it. But there really isn't very much to prove regarding the fundamental economic aspect of this law. It is simple to comprehend. The economic value of each family's plot would have decreased over the generations, as covenant-keeping families multiplied. Yet for over two millennia, the commentators

have ignored the obvious: a growing population will eventually fill the land.

There is a reason for this error: those who write Bible commentaries rarely take the Mosaic law seriously. They pay little attention to the coherence of its details. They refuse to ask themselves the crucial question: *How did each law actually work in relation to the other laws*? The liberals assume that the judicial system could not have functioned coherently because multiple authors wrote the Pentateuch. A coherent system of law would undermine their presupposition of judicial incoherence. They discover what they assume: a patchwork of uncoordinated laws. They do not seek to discover the meaning of any law in terms of the whole. Meanwhile, the conservatives feel justified in ignoring the details of the law because they assume that the Mosaic law isn't relevant under the New Covenant. This almost contemptuous attitude toward the Mosaic law has hampered Christian scholarship. It is time for this contempt to end. It is time to search the law in depth to discover what God expects from us, just as David did (Ps. 119). The jubilee law is a better place than most to begin because it is clearly a coherent series of laws with many ramifications.

B. A Matter of Holiness

God required the nation of Israel to hallow—set apart—the fiftieth year. This identified the fiftieth year as uniquely holy. It was the jubilee year. It was to be inaugurated by the blowing of the trumpet on the day of atonement (Lev. 25:9). The jubilee year was to be the year for claiming one's inheritance: of land, but far more important, of legal status as a citizen. Those circumcised men who were heirs of the original holy army that had conquered Canaan could not legally be disenfranchised except through the loss of their landed inheritance outside a walled city, or, in the case of the Levites, of their homes in Levitical cities.

Citizenship (freemanship) in Mosaic Israel was based on three religious factors: confession, circumcision, and participation in God's holy army. One mark of citizenship was ownership of a share of the land once possessed by a conquering family under Joshua. This was not the only proof of citizenship, but it was the most universal. A man who had been judicially severed from ecclesiastical participation in the congregation could not retain his family's landed inheritance beyond the next jubilee. He became disinherited. His property would go to his next-of-kin: his kinsman-redeemer. He could legally buy ti-

tle to a residence in a walled city, since this property was not governed by the jubilee law, but he might have to sell it in a crisis. It was risky to be excommunicated.

As an excommunicate, he was no longer an Israelite. He was a resident alien. As such, he became subject to the threat of lifetime servitude. So did his minor heirs (Lev. 25:44–46). He was no longer a freeman. In an economic crisis, he might also lose his status as a free man.

If Israel did not honor God's law, God threatened national disinheritance (Deut. 8:19–20). This placed every Israelite in jeopardy of becoming a slave. Slavery was a permanent sanction. A slave could not buy his way out of slavery. There were only three ways for a slave to escape his legal condition and still remain inside the land: (1) manumission, (2) liberation by an invading foreign army, or (3) adoption, either by his owner or some other Israelite.

The legal issue of *inheritance* is, in the final analysis, the theological issue of *adoption by God* (Ezek. 16). So is the legal issue of liberty. In this regard, consider the New Testament doctrine of adoption through God's grace (John 1:12; Eph. 1:5): an act of the ultimate Kinsman-Redeemer, Jesus Christ.

C. Enforcement

Was the jubilee law actually enforced? It is not clear from the historical sections of the Bible whether or not Israel ever observed the jubilee year. The Bible's silence indicates that it may not have been enforced, but we cannot be certain about this. Consider Ahab's theft of Naboth's land (I Kings 21). On the one hand, Naboth refused to sell his land to King Ahab. This is evidence of one man's commitment to the Mosaic law's principle of jubilee inheritance. On the other hand, the fact that Ahab thought he could permanently steal the land from Naboth by having him executed indicates that the enforcement of the jubilee was sporadic or nonexistent in his day. Surely, Ahab was not Naboth's kinsman-redeemer. The incident reveals no clear-cut evidence with regard to the entire history of Israel.

The Mosaic law provided economic incentives for those who possessed the authority to declare the jubilee year to do so: the Levites. Because the homes of the Levites in Levitical cities were governed by the jubilee (Lev. 25:32–33), the Levites had an economic incentive to declare the jubilee on schedule twice per century—far stronger than the incentive for them to declare a sabbatical year. Did they nevertheless defect? If so, why?

Conclusion

The jubilee year was a year of liberty for all the inhabitants of Israel (v. 10). But there was an exclusionary clause in the jubilee law: the enslavement of heathens (vv. 44–46). The best way to avoid slavery was to become a citizen of the holy commonwealth. Unlike the other ancient nations, citizenship in Israel was open to any resident alien, or at least to his heirs (Deut. 23:2–8). The blessings of liberty could be secured through confession of faith in God, circumcision, and eligibility to serve in God's holy army. This was the Mosaic law's incomparable promise to all resident aliens. But to attain citizenship, a family would have to remain economically productive until the heirs of the promise could secure their claim. This promise was conditional: remaining productive and avoiding being sold into servitude.

The jubilee law pointed to the conditional nature of Israel's very existence as a nation: God's threat of disinheritance, which was a threat of servitude to foreigners. There were conditions attached to citizenship: covenantal stipulations. The jubilee law's stipulations (Lev. 25)—point three of the biblical covenant—were immediately followed by a list of promised sanctions (Lev. 26): point four.

Every true prophet of Israel came before the nation to bring a covenant lawsuit. This reminded them of the ethical basis of liberty. Israel's supreme prophet would bring Israel's final covenant lawsuit. He would declare liberty for the enslaved and slavery for the rebellious slavemasters. He would serve as the final *go'el*: the kinsman-redeemer and the blood avenger. He would adopt many and disinherit others. He would bring sanctions. He would announce the final jubilee year: "The Spirit of the Lord is upon me, because he hath anointed me to preach the gospel to the poor; he hath sent me to heal the brokenhearted, to preach deliverance to the captives, and recovering of sight to the blind, to set at liberty them that are bruised, To preach the acceptable year of the Lord" (Luke 4:18–19).[1] **Fulfilled!**

1. Gary North, *Treasure and Dominion: An Economic Commentary on Luke*, 2nd ed. (Dallas, Georgia: Point Five Covenant, [2000] 2012), ch. 6.

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THE SABBATICAL YEAR

> *And the* Lord *spake unto Moses in mount Sinai, saying, Speak unto the children of Israel, and say unto them, When ye come into the land which I give you, then shall the land keep a sabbath unto the* Lord*. Six years thou shalt sow thy field, and six years thou shalt prune thy vineyard, and gather in the fruit thereof; But in the seventh year shall be a sabbath of rest unto the land, a sabbath for the* Lord*: thou shalt neither sow thy field, nor prune thy vineyard. That which groweth of its own accord of thy harvest thou shalt not reap, neither gather the grapes of thy vine undressed: for it is a year of rest unto the land. And the sabbath of the land shall be meat for you; for thee, and for thy servant, and for thy maid, and for thy hired servant, and for thy stranger that sojourneth with thee, And for thy cattle, and for the beast that are in thy land, shall all the increase thereof be meat.*
>
> LEVITICUS 25:1–7

The theocentric meaning of the sabbatical year was God as the source of productivity. Rural land owners could rest for a year, yet they would prosper.

A. Sabbath and Capital Preservation

This law is a recapitulation and extension of the sabbath laws of Exodus 23:10–12. It was not in origin a law of the jubilee, although it was tied to it; it was a law of the sabbath. This leads us to an important implication: *the law of the jubilee was an extension of the sabbatical principle of rest*. The sabbatical year law was primary; the jubilee land laws were secondary. *The sabbatical year law was more fundamental than the jubilee land laws*.

We begin our study of the jubilee laws with a consideration of the meaning of the sabbath: rest for land as well as for man. We need to discover the meaning of "rest" in the context of the sabbatical year.

We also need to recognize that this law was a Mosaic land law: an aspect of the land as God's covenantal agent (Lev. 18:25, 28).[1]

The law of God is theocentric. Whatever secondary applications it may have, a law's primary application always relates to God. This law focused on the mandatory resting of the land of Israel, but its ultimate reference point was the sovereignty of the Creator God of the covenantal promise.

The Bible introduces the subject of the sabbath in relation to the story of the creation. God created the world in six days; then He rested (Ex. 20:11).[2] Whenever the Israelites observed this law, they were acknowledging the sovereignty of God as both the Creator and the original owner. Bonar comments: "It has been well said that by the weekly Sabbath they owned that they themselves belonged to Jehovah, and by this seventh-year Sabbath they professed that their land was His, and they His tenants."[3]

God deals with men as an absentee landlord deals with leaseholders who use his property. He gave Adam an assignment; then He left the garden. This is a continuing theme in the Bible. The Book of Job pictures God as normally distant from man. Jesus used the theme of the absentee landlord in several of His parables. While God dwells in the midst of men judicially, especially during ecclesiastical feasts, He does not dwell in their midst physically. The dominion covenant (Gen. 1:26–28)[4] is supposed to be fulfilled by men acting as responsible managers, not as supervised coolies in a field. The managerial model in the Bible is that of a sharecropper or tenant farmer who pays 10% of his net income to the landowner.

1. The Terms of the Lease

Leasing land is a very difficult proposition for a landlord. For an absentee landlord, it is even more difficult. The problem is to establish leasing terms that preserve economic incentives that achieve three goals: (1) keeping a competent lessee on the property by allowing him to maximize his income; (2) maintaining or increasing the capitalized value of the land; (3) maximizing the landlord's lease income.

1. Chapter 10.

2. Gary North, *Authority and Dominion: An Economic Commentary on Exodus* (Dallas, Georgia: Point Five Press, 2012), Part 2: *Decalogue and Dominion* (1986), ch. 24.

3. Andrew Bonar, *A Commentary on Leviticus* (London: Banner of Truth Trust, [1846] 1966), p. 446.

4. Gary North, *Sovereignty and Dominion: An Economic Commentary on Genesis* (Dallas, Georgia: Point Five Press, 2012), chaps. 3–4.

The absentee landlord must discover a way to achieve all three goals without a great expenditure on local monitors. Inexpensive monitors are valuable.

God established the laws governing the Promised Land because He delivered it into their hands. As its owner, He had the authority to establish the terms of the leasehold. If the people did not like the terms of the lease, they could live elsewhere. So, one foundation of this law is God's ownership. (The other foundation is the principle of sabbath rest.)

The terms of God's lease are generous to the lessee, who keeps nine-tenths of the net income of the operation. This is the principle of the tithe. The tithe must be paid to God's designated agency of collection, the institutional church. The church acts as God's accountant and crop-collector. The payment of the tithe is a public acknowledgment by the lessees of God's ultimate ownership of the original capital: land (rent) plus labor (wages) over time (interest). This original grant of capital is also accurately described by John Locke's threefold classification: life, liberty, and property.[5]

2. God's Land Grant

Consider the grant of capital in the form of developed land. God gave His people the Promised Land as their inheritance. This was an aspect of the promise given to Abraham (Gen. 15:13–16). Also included were existing houses and fields. "And I have given you a land for which ye did not labour, and cities which ye built not, and ye dwell in them; of the vineyards and oliveyards which ye planted not do ye eat" (Josh. 24:13). They inherited the capitalized value of the houses and planted fields of the Canaanites. The Canaanites had unknowingly served as stewards of the land, building up its value until the fourth generation after Israel's descent into Egypt (Gen. 15:16).[6]

Having delivered a capital asset into their hands, God specified that they must, as a nation, rest the land every seventh year. This was to be a national year of rest. The law applied only to agricultural land. It did not restrict commerce, manufacturing, equipment repair,

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5. He never used this phrase exactly as quoted. He wrote of property in general as "life, liberty, and estate." John Locke, *Second Treatise on Government* (1690), paragraph 87. He spoke of "life, liberty, or possession" in paragraph 137. Exactly one century later, Edmund Burke wrote of "property, liberty, and life." *Reflections on the Revolution in France* (1790), paragraph 324. The United States Constitution adopted "life, liberty, or property" in Article V of the Bill of Rights (1791), and also in Article XIV:1 (1868).

6. North, *Sovereignty and Dominion*, ch. 23.

or anything except planting and harvesting by owners. Urban occupations were not under the terms of this law. This law granted a year of rest from field work to all those under the household authority of landowners, including hired servants.

The year of rest was an acknowledgment of the limits on man's knowledge. Man cannot know everything about the land. He therefore was not allowed to treat the land indefinitely as if it were a mine. The "mining" of the soil could go on for six years in seven, but not in the seventh year. He was not allowed to strip the soil of its productivity. The seventh year was a rest period for the land in the broadest sense, including worms, bugs, birds, weeds, and every other living creature that dwelled on or in the land. *This would preserve the land's long-run value.*

This limitation on the landowner's extraction of present income from the land was a means of preserving the capitalized value of the land over time. This placed a limit on both man's greed and ignorance. It forced the landowner to honor the future-orientation of God's covenant. It preserved the landed inheritance for future generations. God's sharecroppers in one generation were not allowed to undermine the future value of the land by overproduction in the present. God, as the land's ultimate owner, was thereby able to maintain a greater percentage of the land's original capitalized value.

The Israelites did not always enforce the provisions of the sabbath land law prior to the exile. In other words, they did not enforce the terms of the original lease. God allowed this infraction to continue for almost five centuries. Then He collected payment from a later generation. "And them that had escaped from the sword carried he away to Babylon; where they were servants to him and his sons until the reign of the kingdom of Persia: To fulfil the word of the LORD by the mouth of Jeremiah, until the land had enjoyed her sabbaths: for as long as she lay desolate she kept sabbath, to fulfil threescore and ten years" (II Chron. 36:20–21).[7] Two generations of sharecroppers then learned a judicial lesson in Babylon: God has a long memory for

7. By the time of Jeremiah, the Israelites had been in the Promised Land for almost eight centuries. Of this period, 490 years (70 × 7) had been spent without a sabbatical year. Jeremiah did not say when this period of law-breaking began. I presume that it began 490 years before the Babylonian captivity, i.e., sometime late in Saul's kingship. I am using James Jordan's chronology: "The Babylonian Connection," *Biblical Chronology*, II (Nov. 1990), p. 1: 3426 Anno Mundi = 586 B.C. The accession of Saul was 2909 AM. Jordan, "Chronologies and Kings (II)," *ibid.*, III (Aug. 1991), p. 2. Computation: 586 + 490 = 1076 B.C., i.e., 3426 AM - 490 AM = 2936 AM. David came to the throne in 2949 AM, i.e., 1063 B.C.

the details of His law. Those who violate it will eventually pay restitution to Him by paying restitution to their victims. In this case, they paid to the land, which rested.

B. A Year of Gleaning

There appears to be a problem with the translation in the King James Version. Actually, there is no problem, but there is a problem for interpreters who do not take the text literally. Verse 5 says: "That which groweth of its own accord of thy harvest thou shalt not reap, neither gather the grapes of thy vine undressed: for it is a year of rest unto the land." Conclusion: someone was prohibited from reaping the fields. The next two verses are translated as follows: "And the sabbath of the land shall be meat for you; for thee, and for thy servant, and for thy maid, and for thy hired servant, and for thy stranger that sojourneth with thee, And for thy cattle, and for the beast that are in thy land, shall all the increase thereof be meat" (vv. 6–7). Conclusion: the produce of the field served as food for someone. But if the increase is identified as meat (i.e., food),[8] then what about the prohibition? "That which groweth of its own accord of thy harvest thou shalt not reap, neither gather the grapes of thy vine undressed." How could the increase serve as food if the crop could not lawfully be harvested?

To solve this problem, the New American Standard Version inserts a word in verse 6: *products*. "And all of you shall have the sabbath products of the land for food. . . ." The Revised Standard Version translates it as follows: "The sabbath of the land shall provide food for you. . . ." None of this is satisfactory. Why not? Because the text of verse 5 is too specific: "That which groweth of its own accord of thy harvest thou shalt not reap, neither gather the grapes of thy vine undressed." Someone was prohibited from harvesting. The question is: Who?

The solution is found in the word *thy*. The law was addressed to landowners. It applied to those identified in verse 4: "Six years thou shalt sow *thy* field, and six years thou shalt prune *thy* vineyard, and gather in the fruit thereof." Those who owned the fields and vineyards were not allowed by God to reap them in the seventh year. This prohibition did not apply to their hired servants, strangers in the community, poor people, and the beasts of the field. "But the seventh year thou shalt let it rest and lie still; that the poor of thy people may eat:

8. The Hebrew words translated as "meat" in verses 6 and 7 both can be translated as "food."

and what they leave the beasts of the field shall eat. In like manner thou shalt deal with thy vineyard, and with thy oliveyard" (Ex. 23:11). *The prohibition did not apply to those who did not own the land*.

What this law established was *a year of unlimited gleaning*. Hired harvesters were not allowed into the fields and vineyards as employees of the landowners. Instead, they were given free access as independent agents. On the one hand, landowners did not invest any money or time in seeding the fields, pruning the vineyards, or caring for the land. This cut their expenses in year six. On the other hand, they reaped no crops. The crops were reaped in year seven by non-owners. Like the leftovers that were collected by the gleaners annually, so were the crops that grew by themselves. The land's rest was specific: rest from the activities of its owners, not rest from harvesting by non-owners.

What was the point? Rushdoony argued that this law was not humanitarian, meaning (I give him the benefit of the doubt) uniquely humanitarian, because gleaners had access to the fields every year.[9] This interpretation is incorrect. This law was obviously a humanitarian law, for it singled out the poor and strangers. They would receive something from the landowner that otherwise would have been kept by him. A transfer of wealth was involved. The sabbatical land law was as much a humanitarian law as the annual gleaning law was. It treated the beasts of the fields as if they were gleaners. It treated them as servants on the weekly sabbath. In other words, the sabbatical rest forced landowners to let the land alone and allow human and animal gleaners into the fields. The landowners were not allowed to use land, man, or beast for their purposes. Non-owners were allowed by God to do whatever they wanted: to glean or not to glean. It was not that they were required to rest from self-employment as harvesters. They were not to be compelled by economic circumstances to work for landowners. God provided them with a source of income to offset the absence of wages. This was a compulsory wealth-redistribution program: from landowners to non-owners. The question is: Who imposed the negative sanctions? Answer: the Levites.[10]

In the sabbatical year, all charitable, morally obligatory, zero-interest loans had to be canceled (Deut. 15:1–7).[11] This means that the debtor who had been forced to labor for another landowner because

9. R. J. Rushdoony, *The Institutes of Biblical Law* (Nutley, New Jersey: Craig Press, 1973), p. 140.

10. See below: Section E.

11. Gary North, *Inheritance and Dominion: An Economic Commentary on Deuteronomy*, 2nd ed. (Dallas, Georgia: Point Five Press, [1999] 2012), ch. 36.

he had gone into debt and then had defaulted on this charitable loan had to be released from bondage. But this release from bondage did not relieve him from the personal economic necessity of participating in the harvesting of the crop of his former creditor and perhaps harvesting part of his own land's crop, which was also to lie fallow. He achieved his release from debt in a year of heavy national dependence on God. There was not supposed to be any planting in the season prior to the sabbatical year. The land was to receive its rest. So, the released debtor faced a problem: how to get enough to eat.

He would have faced high demand for food from the free market. If he could harvest anything, he could either consume it or sell it. He would possess a valuable asset—food—in a year of above-average scarcity. This was an advantage for him. But without the landowner to serve as his intermediary, the newly debt-free Israelite would begin to regain his confidence as a free man. He would be forced to learn marketing in the year that he would plant the eighth-year crop on his own land, except in jubilee "weeks," when the law also prohibited planting in the year after the sabbatical year. The year of his release from debt or even servitude would also be a difficult year economically. It was a year in which Israelites were supposed to rely on God's grace and their own previous thrift. This was why the newly released Israelite had to be liberally provided with food (Deut. 15:13–14): to get him through the sabbatical year. The fruit of his own field would belong to non-owning harvesters and beasts.

The sabbatical year was a system for forcing men to become self-consciously dependent on God's grace. Dependent on Him, they were to become dominion-minded. *Subordinate to God, they were to become active toward the creation*. This is the mandated hierarchical pattern for the dominion covenant: *those who are meek before God will inherit the earth*. The year of debt release was to be the year of open access to the fields for non-owners. It was a year of hard work for harvesters, for they harvested on their own and for their own. A new master told them to do this: the market.

If independent harvesters were given free access to the land's unassisted production one year in seven, they would have had an incentive to recommend land management practices that would maximize output in the seventh year: crop rotation, fertilization, irrigation, etc. This does not mean that landowners were required to follow the suggestions of the full-time harvesters, but to the extent that owners deferred to harvesters in gathering information and assessing its value,

the sabbatical year law encouraged agricultural practices that did not strip the land of its long-run productivity. This law, when enforced, created a class of preferred workers who had an incentive to act as *economic agents of the land,* and therefore as *economic agents of the future*.

We do not know for certain whether the gleaners would have received more income as secondary harvesters in a year following an investment of capital or as primary harvesters in a year following an investment of zero. As I hope to show, it is likely that the total output of the fields was greater in a normal harvest year than in a sabbatical year.[12] We know that when this law was enforced, the land received its rest, and the poor had access to the fields. God therefore placed self-interested monitors in the midst of the community. The question was: Would these monitors possess sufficient power or influence over landowners through the priesthood? The answer for 490 years: *no*.

C. The Pressure on Landowners to Save

When the law was enforced, landowners had considerable economic incentive to plan for a year of no agricultural income. They had to save enough food to get them through the seventh year. They also had to realize that the seed corn of the sixth year would be needed at the end of the seventh year in order to provide a crop for the eighth year. This would have to be put aside late in year six to plant late in year seven. Owners had to plan and organize for six years to prepare for the sabbatical year. If they did not save enough food to get them through the sabbatical year, they would be tempted to eat their seed corn during the sabbatical year. They had to overcome this temptation. In short, they had to save.

Saving requires future-orientation. Without future-orientation, we would consume everything today. Societies and communities that are characterized by what Ludwig von Mises called high time-preference[13] are marked by low amounts of capital and low production. People in such societies value present goods over future goods so highly that they consume almost everything today. No society that is completely present-oriented could survive except through charity from outside. The harsh reality of the cursed effects of scarcity (Gen. 3:17–19)[14] forces members of every society to plan for the future, to save some

12. See below, Section E.

13. Ludwig von Mises, *Human Action: A Treatise on Economics* (New Haven, Connecticut: Yale University Press, 1949), pp. 485–90.

14. North, *Sovereignty and Dominion*, ch. 12.

percentage of today's goods for tomorrow's needs and wants.

The law of the sabbatical year added another incentive to become more future-oriented. Those landowners who neglected to store food for a coming year of zero agricultural income would find themselves in a bind in the sabbatical year. They might be forced to borrow enough food to feed themselves. They would therefore become debt slaves. They might even be forced by a lease agreement to leave their farms until the next jubilee year. They might have to become landless wage earners or even gleaners. Someone who was more thrifty would then become the land's administrator. That is, in what was designed by God to be a year of release for Israel, improvident, present-oriented landowners would fall into poverty and servitude. This sabbatical system tended to keep control of the land in the hands of future-oriented, efficient people.

The landowner had to forfeit income in the sabbatical year. Resting the land was mandatory. Was this a civil law? The text does not say. If it was—and I presume that it was[15]—the state was required by God to act as the land's agent. Owners were not allowed to oppress the land. So, this civil law suppressed a specific evil action: the exploitation of the land. It brought unspecified negative sanctions against evil-doers.[16] But there was another aspect of this law: mandatory gleaning. The landowner had to allow hired servants and poor people into his fields to glean in the sabbatical year. Was this a case of a civil law that imposed positive sanctions for one group at the expense of another? Was it a state-enforced welfare program?

To answer this question, we first need to determine if this law established a property right for the local poor. The fruit of the land was to become the property of the gleaners in the sabbatical year. Which local gleaners possessed an enforceable legal claim? The judicial problem—which gleaners would be allowed into which fields—still remained, as it did with everyday gleaning. The law did not give specific legal claims to specific gleaners. This indicates that the state was not the enforcing agency with respect to the gleaners, even though it was the enforcing agency with respect to the protection of the land. This was not a state welfare program.

What agency was to defend the claims of the gleaners? The priest-

15. A civil law is justified biblically because God threatens a society with corporate negative sanctions for disobedience. These sanctions came: the Babylonian captivity.

16. One possible civil sanction: two years of rest for the land as the victim, i.e., double restitution.

hood. Priests had the authority to excommunicate landowners who refused to allow gleaners into the fields. Priests could lawfully bar covenant-breakers from the Passover. They policed the sacramental boundaries. The priests could serve as wealth-transfer agents in this case—defenders of the poor. It was God's land, and He wanted His delegated owners to allow gleaners into His fields. Gleaners as a class had ecclesiastically enforceable legal claims to access to the unplanted, fallow land. But without local agents to enforce these legal claims, specific gleaners could not gain access to land owned by someone willing to break this law.

This law's effects were not entirely negative on landowners. First, the long-term productivity of the land was retained by the sabbatical year. Second, it did give landowners a year of rest. They could concentrate on other business ventures, perhaps even going on a missionary-trade journey. Third, it increased the economic pressure on landowners to exercise thrift in years one through six.

The discipline of thrift—future-orientation—is not natural to sinful man. It must be learned. Where it is learned, and where its requirements become habitual, the individual becomes the owner of a major capital asset. *The psychology of thrift is a very valuable resource*. In the category of "human resource" or "human capital," the habit of thrift rivals the importance of the famous Protestant work ethic. In fact, thrift is basic to this ethic. Max Weber wrote in 1905 regarding the Protestant ethic that "Old Testament morality was able to give a powerful impetus to that spirit of self-righteous and sober legality which was so characteristic of the worldly asceticism of this form of Protestantism."[17] Thrift has been a crucial aspect of this worldly asceticism, he wrote: "When the limitation of consumption is combined with this release of acquisitive activity, the inevitable practical result is obvious: accumulation of capital through ascetic compulsion to save."[18] The sabbatical land law pressured Israelite landowners to master the discipline of thrift.

D. The Threat of Debt

In the seventh year, all charitable, zero-interest loans to poor Israelites became null and void (Deut. 15:1).[19] Creditors could not legally

17. Max Weber, *The Protestant Ethic and the Spirit of Capitalism*, trans. Talcott Parsons (New York: Charles Scribner's Sons, [1905] 1958), p. 165.
18. *Ibid.*, p. 172.
19. North, *Inheritance and Dominion*, ch. 36.

collect from impoverished debtors. Meanwhile, the economy grew tight: reduced food production. Improvident landowners went looking for loans to get them through the year. There would have been greater-than-normal demand for interest-bearing loans, i.e., higher interest rates. This would have tended to squeeze the weakest borrowers out of the loan market. Lenders prefer to lend to those who are likely to repay. On the other hand, if an evil man wanted to trap a weak debtor in order to gain control over his labor if he defaulted, the year of national gleaning would have been an ideal time. The recently liberated debtors would have known this. Their memory of their previous bondage was to keep them from succumbing to this temptation. The poor had access to the untilled fields of the landowners. They were expected to take advantage of this unique situation and stay out of debt. They were not to "return to Egypt" by going into debt and risking another round of bondage.

Any landowner who had not planned carefully would face a crisis in year seven. Without sufficient thrift in the previous six years, he might have been forced to enter the debt market to save his business. But he would have come to a lender as a businessman, not as a poverty-stricken brother in the faith. There was no moral pressure on anyone to lend to him. Such moral compulsion to lend applied only to loans to the poor (Deut. 15:7–10). A land-secured loan threatened the borrower greatly: to default the loan meant the forced sale of his land until the loan was repaid or until the next jubilee year.

Lenders would have been more ready to lend to landowners than to most poor men: secure collateral. This gave landowners an advantage in the loan markets. But there was great risk for the debtor. There was also the embarrassment of having to mortgage the family's property. The present-oriented landowner would then face the need to repay the loan, making preparation for the next sabbatical year even more burdensome. The debt trap loomed much larger to the person who fell behind. This is the grim reality of debt.

The sabbatical year was therefore a major burden on landowners. There is little doubt that they would have preferred to avoid this burden. If this law was going to be enforced, there had to be an agency of enforcement that had an economic incentive to do so. Which agency was it? And why did it fail to enforce the law prior to the Babylonian exile?

E. The Defection of the Levites

We know that this law was not enforced for centuries prior to the exile. Jeremiah identified their failure to honor the year of release as the cause of the exile: "At the end of seven years let ye go every man his brother an Hebrew, which hath been sold unto thee; and when he hath served thee six years, thou shalt let him go free from thee: but your fathers hearkened not unto me, neither inclined their ear" (Jer. 34:14).

The enforcing agents, the Levites (gleaning law) and civil magistrates (land law), did not assert their authority. Why not? We do not know. This may be one of those cases in which they had a short-term incentive not to enforce the law. In a normal year, they were entitled to tithes and taxes from landowners and gleaners. In a sabbatical year, only the gleaners paid. The landowners harvested nothing for their own account. Perhaps the collectors of tithes and taxes did not consider the soil's long-term output, allowing landowners to plant and harvest.

I conclude that the total output of the land in a normal year was greater than during a sabbatical year. Levites and civil magistrates received a larger tithe in non-sabbatical years. Thus, they had less short-term economic incentive to see that the sabbatical year law was enforced. They had to enforce the law because God required them to do so, not because they were paid to do so. The tribe of Levi was to cooperate with the local monitors: hired hands, the poor, and strangers. Levites were required to see to it that the sabbath year's gleaning law was enforced. They refused. They forfeited their position as sanctioning agents on this issue. As a result, the nation went into captivity. After their return, Israel honored this law (I Macc. 6:49, 53). Ezekiel had prophesied that heathen residents in the land would participate in a new allocation of land (Ezek. 47:21–23), but we do not know if the jubilee laws were honored.

Which gleaners fared best? It is understandable that the hired harvesters were content with their arrangement during normal years. They were paid to work. They probably would have preferred to work for landowners in the sabbatical year had the owners planted the crops in year six. The poorer members of the community, however, probably fared better comparatively during the sabbatical years. Perhaps the total harvest going to them would have been larger in sabbatical years than with conventional gleaning in normal years, despite the fact that no one would have planted crops in year six. We cannot know for sure. What we do know is that this law was not enforced for half a millennium. The land was not given its rest.

There were no monitors in positions of authority with a clear-cut economic incentive to see that the law was enforced. Those who might have had this incentive would have been the poorest members of the community, or, in the case of strangers, non-citizens: men with little authority. So, the law went unenforced until after the return from Babylon. Only after God had demonstrated that He would bring negative sanctions through a foreign invasion did Israel obey the law. In the days of the Maccabees, they still honored it. It was their fear of God and His negative historical sanctions, not positive economic incentives, that changed their behavior.

F. In Search of an Explanation

We now come to a comment made by Robert North, a liberal Jesuit scholar, whose voluminous study of the jubilee law is as unreadable as it is theologically perverse. He cited Germanic sources throughout, and he imported their presuppositions. He even invokes the classic assertion shared with equal enthusiasm by theological liberals and neo-evangelicals: the Bible is not a textbook of [ ]. "Though the Pentateuch was not meant as a textbook of economics, still if a universal fallow can be shown to have been economically impossible, then according to sound hermeneutic principles it is legitimate to seek some other explanation for the text."[20] He then cited a page and a half of Germans who have concluded that fallow land on a national basis could not have taken place in the same year. He added that "a fallow without plowing would be useless and positively detrimental;..."[21] If this interpretation is correct, then God was clearly being a bit of a tyrant for having sent the heirs of these people into bondage for their having neglected to do what was not only economically impossible but agriculturally detrimental. This sounds like an unwise conclusion, even for a theologically liberal Jesuit.

He cited another German—there are always plenty of German academics to cite in support of any argument—that perhaps there was sufficient agricultural productivity for the Israelites to save enough food to feed themselves in the seventh year.[22] He then moved from a discussion of thrift to a discussion of the need for miraculous crop

20. Robert North, *Sociology of the Biblical Jubilee* (Rome: Pontifical Biblical Institute, 1954), p. 115.

21. *Ibid.*, p. 116.

22. *Ibid.*, p. 117.

yields, either annually or in the sixth year, to produce this surplus.[23] He never said which theory he preferred.

The real goal of the sabbatical year, he said, was care for the poor. This means that a policy of rotating one-seventh of the crop would have met this criterion.[24] (This highly practical suggestion comes from a rarity in his text, an American scholar.) Of course, this would not include the number-one criterion of the text: a national year of rest. He admits as much: "Obviously our interpretation runs counter to the surface-sense of certain expressions of the sacred text, though for many of these we have already defended an acceptable alternative."[25] Conclusion: there was no true fallow; it was a rotating fallow.[26]

The modern state of Israel pretends to honor this law, and has ever since the 1880s. Every seventh year, the farmland of the nation is transferred by the Minister of Internal Affairs to the Chief Rabbinate, which sells title to an anonymous gentile, usually an Arab, who retains formal ownership for one year. Then he sells it back. By Rabbinic law, he is outside the sabbatical year's requirements, so he does not enforce this law. He sells back the land to the Chief Rabbinate at the end of the sabbatical year, which in turn returns formal ownership to the *de facto* owners. "If we were to stop marketing our products to Europe even for one year, we'd be finished," according to the Director General of the Ministry of Agriculture.[27] Non-Zionist Orthodox Jewish rabbis refuse to go along, however, since by Jewish law, Jews are not allowed to sell land in Palestine to gentiles.[28] They organize special shops in sabbatical years that sell fruits and vegetables grown by Arabs on Arab land.[29]

A similar strategy is used during Passover week. The law requires all leaven to be removed from every Jewish household. This makes it difficult for grain merchants. Solution: observant Jews sell all of these prohibited substances to the local rabbi, who sells them to the Chief Rabbinate, which sells them to a gentile for a week. Then he sells them back. By a special dispensation, these multiple sales are presumed to include the leavened substances of non-practicing Jews, too.[30]

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23. *Ibid.*, p. 118.

24. *Ibid.*, p. 119.

25. *Idem.*

26. *Ibid.*, p. 120.

27. Clyde Haberman, "The Rabbis' Almanack of Seventh-Year Farming," *New York Times* (Dec. 10, 1992). The year 1992 was the sixth year in the cycle.

28. Israel Shahak, *Jewish History, Jewish Religion: The Weight of Three Thousand Years* (Boulder, Colorado: Pluto Press, 1994), p. 43.

29. *Ibid.*, p. 108, n. 17.

30. *Ibid.*, p. 45.

G. New Testament Applications

The jubilee laws are important for Christians because of Jesus' first public announcement concerning the nature of His ministry:

> And there was delivered unto him the book of the prophet Esaias. And when he had opened the book, he found the place where it was written, The Spirit of the Lord is upon me, because he hath anointed me to preach the gospel to the poor; he hath sent me to heal the brokenhearted, to preach deliverance to the captives, and recovering of sight to the blind, to set at liberty them that are bruised, To preach the acceptable year of the Lord. And he closed the book, and he gave it again to the minister, and sat down. And the eyes of all them that were in the synagogue were fastened on him. And he began to say unto them, This day is this scripture fulfilled in your ears (Luke 4:17–21).

Jesus' application of Isaiah's language of liberation indicates that He saw His ministry as the fulfillment of the jubilee year.[31] This is consistent with the New Testament's judicial theology of rest. Jesus' work in history is the judicial foundation of man's sabbatical rest; His kingdom is the definitive basis in history for man's future rest (Heb. 4:1–11).

1. Abrogation

There is a great deal of confusion in modern Christian circles, both fundamentalist and liberationist, regarding the applicability of the jubilee laws in the New Covenant era. Furthermore, Christians can gain little from a study of the rabbinical sources dealing with the jubilee, since very few of these texts deal in detail with these post-temple applications of the jubilee laws. There is no treatise on the jubilee in either the Mishna or the Talmud, perhaps because the rabbis considered the jubilee laws abrogated from the era of the Babylonian exile until the coming of the Messiah.[32] This is not to say that the Talmud does not mention the jubilee. It does. So did the Geonim, the principals of the Jewish academies in Babylonia in the medieval era. But the information they conveyed is not consistent.[33]

The question arises: Is the sabbatical year law still in force? This is another way of asking: What in the New Testament may have annulled it?

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31. Gary North, *Treasure and Dominion: An Economic Commentary on Luke*, 2nd ed. (Dallas, Georgia: Point Five Press, [2000] 2012), ch. 6.

32. This is the suggestion of Robert North, *Sociology of the Biblical Jubilee*, pp. 87–90.

33. A. Löwy, *A Treatise on the Sabbatical Cycle and the Jubilee* (New York: Hermon, [1866] 1974), pp. 3–4.

First, the model for the sabbatical year was the weekly sabbath: a day of rest at the end of the week. In the New Covenant, the locus of authority of sabbath enforcement has shifted from the state and church to the individual. This is the judicial basis for the annulment of the death penalty for violating the weekly sabbath (Ex. 31:14–15).[34]

Second, the law in Israel established a national sabbatical year governing both agriculture and charitable debt. This was possible to impose because the Israelites had entered the land as conquerors at a specific point in time. That historical starting point no longer exists.

The absence of a fixed sabbatical year could be changed today through civil legislation, but is there biblical justification for this? Only in the name of ecology. The individual is to enforce the weekly sabbath, not the state.[35] The same is true of any seventh-year sabbath. Is the individual still duty-bound by God to honor the sabbatical year? Does God threaten negative sanctions, corporate or individual, against those who refuse to honor its provisions? Or was the sabbatical year limited to the Mosaic Covenant?

Were the sabbatical year laws exclusively part of the jubilee system? No. The law was given first in Exodus 23:10–11. It was given primarily for the benefit of the poor in the land and secondarily for the beasts of the field (v. 11). The context was the sabbath in general (v. 12), not the jubilee system.

The identification of the beasts of the field as recipients of the benefit of rest leads to the broader question of just which beasts God has in mind. Did He mean domestic animals only? Or is the wildbeast also included? What about the worm and the insect?

2. Ecology

Man has creaturely limits on his knowledge. He is not omniscient, nor will he ever be. He can harm land through mono-crop agriculture and other techniques that can prove to be exploitative over time. Overuse of pesticides in modern times may prove to be a cause of major ecological damage. Scientists do not presently agree on this. Eventually, a majority of them may agree, although it may take a crisis to produce such agreement, or else generations of additional agricultural productivity. The question is: Is a compulsory year of rest for the sake of the land established by God's law? Should the state compel the owner of every farm, every garden, and every vineyard

34. North, *Authority and Dominion*, Part 2, *Decalogue and Dominion* (1986), ch. 24.
35. *Ibid.*, Appendix E.

to cease cultivating his land one year in seven—not necessarily all enterprises in the same year, but each enterprise one year in seven? Alternatively, should land-use enforcers be sent out to police every farm, determining that one-seventh of each plot under cultivation be left fallow each year? The regulatory nightmare that would result from either interpretation suggests an answer: *no*. But is the potential cost of regulation a sufficient reason for abandoning this law? No. There has to be a judicial reason for ignoring any of God's Old Covenant laws, not mere pragmatism or presumed convenience. The familiar refrain is not sufficient: "God's Old Testament laws applied only to an ancient agricultural economy." That is an invalid objection covenantally; it is also weak in this instance. This happens to be an agricultural law. If the law's primary goal was ecological—rest for the creatures of the field and soil—then the New Covenant can be said to have changed this law's validity only if it established a new relationship among God, man, and the land. Did it? Yes. The land ceased to be a judicial agent of God.

3. Sanctions and Sanctification

First, we have already considered one major change in relation to the land's function as a judicial agent for God. The Promised Land vomited out the Canaanites (Lev. 18:28). This judicial act is now performed by Jesus Christ (Rev. 3:16).[36] The land no longer serves as the judicial agent of God. Second, the curse of the land was definitively overcome by the New Covenant. Men are no longer polluted ritually by the land. This is why foot-washing is no longer ritually mandatory in the post-resurrection, post-temple era. Progressive sanctification, individually and corporately, steadily removes the restraints of the land's scarcity. This has been happening rapidly for at least two centuries. The price of agricultural commodities compared to the price of labor has steadily dropped as the jurisdiction of the free market economy has advanced.[37]

The exploitation of the land, net, may still be going on. We may be facing an agricultural calamity as a result of our techniques of agricultural production and land management. Or we may not. The ecological

36. Chapter 17.

37. Julian L. Simon, *The Ultimate Resource* (Princeton, New Jersey: Princeton University Press, 1981), ch. 1; Simon and Herman Kahn (eds.), *The Resourceful Earth: A Response to 'Global 2000'* (New York: Basil Blackwell, 1984); E. Calvin Beisner, *Prospects for Growth: A Biblical View of Population, Resources, and the Future* (Westchester, Illinois: Crossway, 1990), ch. 7.

evidence is unclear; well-informed people can be found on both sides in this debate.[38] The price evidence, however, is clear: no agricultural calamity is foreseen by those whom we reward to forecast such possibilities. The industrial revolution has also been an agricultural revolution.[39]

The covenantally significant question is: Can we legitimately attribute a supposedly looming agricultural calamity to our failure to rest the land? Had we required a year of national rest for the land, would this have offset all the other commercial farming practices that supposedly erode the land's long-term productivity? There is no way to know. We are comparing a conjectural future (famine) with a conjectural past (the rate of land erosion under the sabbatical year). So, in order to understand the sabbatical land law in the Mosaic economy, we have to decide in terms of biblical judicial issues, not ecology.

This is not to say that resting the land will not prove to be a means of increasing long-term agricultural output, and therefore income, but the test must be profit and loss under free market conditions. The general law of the New Covenant sabbath must prevail: the decision of each individual landowner operating under the sovereign jurisdiction of his conscience. We dare not move from the annulled jubilee year laws to the sabbatical land law in New Covenant times, nor dare we move from the New Covenant sabbath to a national year of rest. This leaves the landowner in charge. Paul wrote: "One man esteemeth one day above another: another esteemeth every day alike. Let every man be fully persuaded in his own mind. He that regardeth the day, regardeth it unto the Lord; and he that regardeth not the day, to the Lord he doth not regard it" (Rom. 14:5–6a).[40] The same covenantal principle of individual jurisdiction also applies to the sabbatical year of rest.

Conclusion

The judicial foundations of the sabbatical year of rest were two-fold: (1) the sabbath rest principle; (2) God's original ownership of the

38. The erosion school is best represented in the United States by the tabloid *Acres, USA*; the conventional view by the United States Department of Agriculture and university agricultural schools.

39. If the nanotechnology revolution ever becomes a reality, as I believe it will, mankind's food supply will be able to be produced by microscopic machines using molecular raw materials. K. Eric Drexler, *Engines of Creation* (Garden City, New York: Anchor/ Doubleday, 1986). The debate over a looming agricultural productivity crisis will probably shift from the misuse of the land to the misuse of "free" resources, mainly moving fluids that cannot easily be assigned to owners.

40. Gary North, *Cooperation and Dominion: An Economic Commentary on Romans*, 2nd ed. (Dallas, Georgia: Point Five Press, [2000] 2012), ch. 14.

land. At the time of the conquest, God transferred control over the land to families that held legal title on a sharecropping basis, operating under specific terms of the original leasehold agreement. The lease provided a payment to God (the tithe), i.e., a high percentage return to God's authorized sharecropper-owners (90% before taxes), and a provision for the maintenance of the long-term capital value of the land (the sabbatical year). Those residents in Israel who did not own the land had legal title to the output of the land: unrestricted harvest in sabbatical years. The legal title of the gleaners was to be enforced by the Levites and priests on land owners.

The judicial issue of the sabbatical year was rest: rest for the land, hired workers, and animals. This also included release from the requirement to repay charitable debts (Deut. 15). By "rest," the law meant *a respite for the landless from the requirement to work for the landed*. This law governed agricultural land and those who worked it. There is nothing in the Bible to indicate that it governed any nonagricultural occupation.

This law pressured landowners to plan and save for the sabbatical year. They had to store up both food corn and seed corn. When this law was enforced, it forced them to develop the habit of thrift, i.e., future-orientation. The law also required landowners to forfeit the automatic (though not "natural") productivity of the land in the seventh year. The poor, the stranger, the field animals, and the regular harvesters all had a legal claim on this production, if they were willing to do the work to glean it.

The Levites were the enforcers of this law as it applied to the gleaners' lawful access to the fruits of the land. The Levites refused. This indicates they had little or no short-term economic incentive to enforce it. This in turn indicates that their tithe income was greater when the land was planted and harvested. Finally, this indicates that there was less net agricultural output in the seventh year than in the other six.

This law was good for the land and all the creatures great and small that inhabited it. Owners were restrained in their use of God's land. Agricultural practices that overworked the land were restrained by this law. The land, as God's judicial agent, deserved its rest. This law mandated it. If this land-protecting aspect of the law was enforced by the state, as I believe it was, it rested on the legal status of the land as God's judicial agent, not on the state as an agency of wealth redistribution to the gleaners. This law is no longer in force

in the New Testament era because the land ceased to be a covenantal agent in A.D. 71.

The sabbatical year law was enforced after the Babylonian exile. The fear of God is a great incentive. During the exile, God had substituted His negative sanctions in history for the failure of the priesthood and the state to enforce the sabbatical year law. Exile was God's partial disinheritance of Israel. It warned Israel of *comprehensive disinheritance*, should the nation continue to rebel. The exile altered land tenure: a new distribution replaced the original distribution under Joshua. The exile severed the judicial link between each family's plot and the conquest generation. The jubilee land laws had been established by genocide, but genocide was neither authorized by God nor possible after the exile. The jubilee's heathen-slave laws remained in force, but the residents who participated in any post-exilic distribution were to become immune to the threat of permanent servitude by Israelites.

The sabbatical land law was an extension of the law of the sabbath. It was not a subset of the jubilee land laws. On the contrary, the jubilee land laws were temporary applications of the sabbath law's principle of rest. If there are any New Testament applications of the sabbatical year of rest for the land, they are based on ecology or the general authority of sabbath rules, not on the jubilee's military conquest. This transfers the locus of authority to the landowner: individual, not corporate.

24

BOUNDARIES OF THE JUBILEE LAND LAWS

And thou shalt number seven sabbaths of years unto thee, seven times seven years; and the space of the seven sabbaths of years shall be unto thee forty and nine years. Then shalt thou cause the trumpet of the jubile to sound on the tenth day of the seventh month, in the day of atonement shall ye make the trumpet sound throughout all your land. And ye shall hallow the fiftieth year, and proclaim liberty throughout all the land unto all the inhabitants thereof: it shall be a jubile unto you; and ye shall return every man unto his possession, and ye shall return every man unto his family. A jubile shall that fiftieth year be unto you: ye shall not sow, neither reap that which groweth of itself in it, nor gather the grapes in it of thy vine undressed. For it is the jubile; it shall be holy unto you: ye shall eat the increase thereof out of the field. In the year of this jubile ye shall return every man unto his possession.

LEVITICUS 25:8–13

The theocentric meaning of the jubilee law was God's ownership of both the land and the people. He reserved the right to dictate the terms of inheritance to the Israelites. This inheritance included rural land, heathen slaves, and homes owned by Levites in Levitical cities. It also included citizenship.

A. The Jubilee Cycle

First, we begin with the problem of identifying the jubilee cycle. Rabbis from at least the completion of the Talmud (*c.* 500 A.D.) taught that the jubilee year was scheduled every fiftieth year.[1] Most Christians have agreed with this view through the centuries, but not all. A few have thought that the forty-ninth year was counted as the fiftieth.[2]

1. A. Löwy, *A Treatise on the Sabbatical Cycle and the Jubilee* (New York: Hermon, [1866] 1974), pp. 7–9. He cited numerous sources.
2. Ibid., pp. 9–10.

Among those commentators who accept the fiftieth year as the jubilee year, there has been debate over the first year in the next cycle. Most Jewish commentators have argued that the fifty-first year constituted the first year in the next cycle. This was the prevailing opinion of the contributors to the Talmud. Maimonides agreed.[3] Other Talmudic Jews have believed that the jubilee year itself counted as the first year.[4] There have been other theories held by a handful of scholars.[5]

The idea that the fiftieth year served as the first year in the next sabbath cycle suggests a parallel: the shift from the Old Covenant's seventh-day sabbath to the New Covenant's eighth-day sabbath, which itself served as the inauguration of a first-day sabbath, i.e., the shift from the Old Covenant's week (6–1) to the New Covenant's week (1–6).[6] Jesus' resurrection took place on the eighth day, i.e., the day after the Jewish sabbath, a sabbath that took place on the Sadducees' Passover that year.[7] Sunday is the first day of the week for most Christians: the symbolic equivalent of the eighth day. The theory of the fiftieth year as the first year in the next cycle is certainly appealing to the Christian (and also to the Talmud's Rabbi Jehudah),[8] but we cannot appeal to historical records of the jubilee as empirical tests of this theory, because there is no biblical record or any other ancient contemporary record of Israel's ever having celebrated a jubilee year.[9]

B. The Timing of the Jubilee

Second, we need to consider the timing of the day of jubilee. It is not generally recognized that there were two calendars in ancient Israel: priestly and kingly, sanctuary and land. They corresponded to the

3. *Ibid.*, pp. 10–11.

4. *Ibid.*, p. 12.

5. *Ibid.*, pp. 13–16.

6. Gary North, *Sovereignty and Dominion: An Economic Commentary on Genesis* (Dallas, Georgia: Point Five Press, [1982] 2012), ch. 6.

7. Jesus celebrated Passover on Thursday evening, Nissan 14, the Pharisees' Passover, and was tried and crucified the next day. The Judean dating, used by the Sadducees, was different. They celebrated Passover beginning on Nissan 15 (Nissan 14, as calculated by the Sadducees), a sabbath night, so they refused to enter the Praetorium when they took Jesus before Pilate, lest they be defiled for Passover (John 18:28b). They called for the Romans to remove the dead bodies because the sabbath that year corresponded to the Judean Passover (John 19:31). On the distinction between the Pharisees' and the Sadducees' respective Passover dates, see Harold W. Hohner, *Chronological Aspects of the Life of Christ* (Grand Rapids, Michigan: Zondervan, 1977), ch. 4, especially the chart on page 89.

8. Löwy, *Sabbatical Cycle*, pp. 23–24.

9. *Ibid.*, p. 19.

two shekels: sanctuary (Lev. 27:3, 25) and ordinary. James Jordan believed that the *two calendars* corresponded to two separate government systems.[10] The *religious year* began in the spring: the first month, Nisan (Esth. 3:7), when Passover was celebrated (Ex. 12). The *civil year* began in the fall: on the first day the seventh month of the religious calendar (called Tishri in the Talmud).[11] This was marked by a day of sabbath rest (Lev. 23:24–25). Ten days later, the day of atonement took place (Lev. 23:27–28).[12] As we shall see, the jubilee was tied to the civil (land) year. This is why the jubilee was a predominantly civil event. It launched the next cycle of inheritance. This inheritance was predominately civil: a matter of citizenship. Those who were heirs of the generation of the conquest were citizens; the jubilee restored them to their judicial tokens of citizenship: their land. On the fifteenth day, the feast of booths or Tabernacles took place (Lev. 23:34–36, 39–43).

In the jubilee year, trumpets were to be blown throughout the land on the tenth day of the seventh month. This marked the great year of release. It was also a day of rest because it was the day of atonement (Lev. 23:28). The next day, men dwelling near the borders of Israel had to begin their walk to Jerusalem to celebrate the feast of Tabernacles (Booths). In no more than four days, they had to complete their journey. This time requirement restrained any major extension of the geographical boundaries of Israel. On the day above all other days in Israel's life that was tied to geographical boundaries—jubilee's day of landed inheritance—the timing of the jubilee and Tabernacles established tight limits on the size of the nation. *Israel could never become an expansionist territorial empire and still honor the day of atonement (rest), the jubilee year (inheritance), and the feast of Tabernacles (celebration).* When the Israelites walked to Jerusalem in the jubilee year, all but the Levites went as rural land owners and citizens, even urban dwellers who had leased out their land to others. But they could never lawfully walk from an inheritance located very far from Jerusalem. If Israel ever became an empire, Israelites living near the outer boundaries would forfeit their inheritance in the original land.[13]

10. James Jordan, "Jubilee, Part 2," *Biblical Chronology*, V (March 1993), p. 1.

11. *Rosh. Hash.*, 1:3; cited in "Month," *Cyclopaedia of Biblical, Theological, and Ecclesiastical Literature*, eds. John M'Clintock and James Strong, 12 vols. (New York: Harper & Bros., 1876), IV, p. 547.

12. Jordan noted that the official first year of the reign of a king of Judah ran from the first day of the seventh month of the religious year to the last day of the sixth month of the next religious year.

13. The reader may think: "This is obvious. What is the big deal?" Try to find any commentary on Leviticus that discusses the relationship between the timing of the day

C. The Day of Atonement

The year of jubilee was to begin on the day of atonement *(yom kippur*). The theological significance of this timing is readily apparent: the day of atonement was the day on which the people of Israel made a formal public acknowledgment of their dependence on the grace of God in escaping from God's required punishment for sin. There had to be an animal sacrifice as part of this formal worship ceremony. It was a day of affliction: death for an animal and public humility for the participants. No work was allowed on that day. *The day of atonement was a day of rest—the ultimate day of rest in ancient Israel, symbolizing covenant-keeping man's rest from the curse of sin*. It was a day set apart for each person's examination of his legal state before God and the self-affliction of his soul.

> For on that day shall the priest make an atonement for you, to cleanse you, that ye may be clean from all your sins before the LORD. It shall be a sabbath of rest unto you, and ye shall afflict your souls, by a statute for ever. And the priest, whom he shall anoint, and whom he shall consecrate to minister in the priest's office in his father's stead, shall make the atonement, and shall put on the linen clothes, even the holy garments: And he shall make an atonement for the holy sanctuary, and he shall make an atonement for the tabernacle of the congregation, and for the altar, and he shall make an atonement for the priests, and for all the people of the congregation. And this shall be an everlasting statute unto you, to make an atonement for the children of Israel for all their sins once a year. And he did as the LORD commanded Moses (Lev. 16:30–34).

> Also on the tenth day of this seventh month there shall be a day of atonement: it shall be an holy convocation unto you; and ye shall afflict your souls, and offer an offering made by fire unto the LORD. And ye shall do no work in that same day: for it is a day of atonement, to make an atonement for you before the LORD your God. For whatsoever soul it be that shall not be afflicted in that same day, he shall be cut off from among his people. And whatsoever soul it be that doeth any work in that same day, the same soul will I destroy from among his people. Ye shall do no manner of work: it shall be a statute for ever throughout your generations in all your dwellings (Lev. 23:27–31).

Once each half century, the day of affliction was to become the day of liberation. The meaning of the Hebrew verb for "afflict" is submission or humility. An example of *submission* is found in the incident in

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of atonement-jubilee and the growth of empire. The silence of the commentators is testimony to their unwillingness to take the Bible's literal texts seriously (theological liberalism) or to take political theory seriously (theological conservatism).

which Hagar had fled from Sarai, and the angel then confronted her. "And the angel of the Lord said unto her, Return to thy mistress, and submit thyself under her hands" (Gen. 16:9). An example of *humility* is where God brought low the children of Israel in the wilderness period for their failure to submit to Him: "And thou shalt remember all the way which the Lord thy God led thee these forty years in the wilderness, to humble thee, and to prove thee, to know what was in thine heart, whether thou wouldest keep his commandments, or no. And he humbled thee, and suffered thee to hunger, and fed thee with manna, which thou knewest not, neither did thy fathers know; that he might make thee know that man doth not live by bread only, but by every word that proceedeth out of the mouth of the Lord doth man live" (Deut. 8:2–3). In both instances, the covenantal issue was *covenantal subordination*: point two of the biblical covenant model.[14]

The day of national liberation and family inheritance took place on the day of formal subordination to God. The imagery is obvious. *Only through submission to God can man experience liberation*. Autonomy is not liberation. This is why modern humanism's free market economic theory, which is both agnostic and individualistic, is not the source of the free society that its defenders proclaim. If we begin our economic analysis with the presupposition of the autonomous individual in an autonomous cosmos, we begin with a hypothesis that cannot lead to liberty and maintain it.

D. A Question of Subordination

The year of jubilee began with the blowing of a trumpet, a trumpet announcing the day of atonement. The ram's horn, *yobale* (Josh. 6:4–5), is the origin of the English transliteration, *jubilee* (Lev. 25:10–13). The jubilee year followed a sabbatical year of rest for the land, a year in which the agricultural poor, the stranger, and the beasts of the field did not harvest the fields for the fields' owners; they worked for their own direct benefit.

1. The Hierarchy of God's Grace

The sabbatical year temporarily broke the economic hierarchy linking the agricultural employer, his employees, and the land. The

14. Ray R. Sutton, *That You May Prosper: Dominion By Covenant*, 2nd ed. (Tyler, Texas: Institute for Christian Economics, [1987] 1992), ch. 2. Gary North, *Unconditional Surrender: God's Program for Victory*, 5th ed. (Powder Springs, Georgia: American Vision, [1980] 2010), ch. 2.

sabbatical year was to be a year of release for employees from direct and personal economic subordination to employers. It was also to be a release for the land, which was not to be planted in the sixth year. The owner of the land, God, for one year transferred the fruit of His land to non-owners, i.e., a different set of sharecroppers who could lawfully retain 90% of whatever the land, under God's direct administration, might produce. They became dependent on God's grace rather than the owners' sowing of the fields and care of the land. Like the wilderness that had brought forth manna six days out of seven, so was the land of Israel to become in the sabbatical year: *the visible arena of God's grace*. God promised to bless Israel with an added measure of grace: the miraculous sixth-year crop, the "manna" preceding the jubilee year.[15]

2. The Hierarchy of Market Competition

Hierarchy is an inescapable concept. There is no escape from subordination. There can be movement from one form of subordination to another, but not its abolition. The market that governed the agricultural employee indirectly through the decisions of his employer six years out of seven would, in a sabbatical year, bring its pressures on him directly. His six years as a subordinate to land-owning masters were intended to prepare him for a year of service to an impersonal master: the competitive market. Consumers bring their judgment upon producers through the dual sanctions of profit and loss. The employee, when he became the master of his own production unit in the jubilee year, would have to learn to meet the demands of both nature (food for his family) and the market. He would find that he was still under authority. The system of sabbatical years was designed to give every landless field hand the opportunity to become familiar with this economic pressure. For one year in seven, he was to learn about subordination to the market.

Then, in the year following the seventh cycle of the sabbatical weeks of years, the landless employee was to receive his reward: the return of his landed inheritance in the jubilee. The day of atonement that began the jubilee year brought Israelites as individuals under the affliction of God: voluntary submission. It simultaneously released them from direct economic subordination. In that year, members of poor Israelite families repossessed their portion of the larger family unit's land. Having submitted to God, they would no longer have

15. Chapter 26.

to submit to landed administrators. They would become landed administrators. They would then have to submit to consumers directly, without a land owner above them telling them what to do.

3. Dominion Through Subordination

The covenantal basis of dominion is formal, oath-bound subordination to God. The jubilee year began with the sound of a trumpet: the audible symbol of the final judgment. "In a moment, in the twinkling of an eye, at the last trump: for the trumpet shall sound, and the dead shall be raised incorruptible, and we shall be changed" (I Cor. 15:52). The day of atonement was to remind the Israelite nation of its unique corporate subordination to God. This ritual subordination was to serve as the foundation, both judicially and psychologically, of each Israelite's tasks of leadership. Humble before God, they were to be aggressive toward the world. This is the meaning of the New Testament's statement, "Blessed are the meek: for they shall inherit the earth" (Matt. 5:5). They are *meek before God*, not meek before covenant-breaking men.[16] To be compelled to be meek before covenant-breaking men is evidence of God's temporary chastisement of His covenant people. It is to be forced to adhere to an illegitimate civil oath.[17]

On the day above all other days of the year in which each Israelite publicly manifested his subordinate position before God, the *day of atonement* also served, twice per century, as the *day of inheritance*, the day on which a man's inheritance in rural land was returned to him. He would henceforth regain *legal authority* over a piece of land. He would then have an opportunity to discover whether he had the necessary skills and foresight as an entrepreneur—a future-predicting planner and executor of plans[18]—to retain *economic authority* over his inheritance as an economic representative of God, his own family, and the consumers in the marketplace. He became a legal representative of God as owner, which required economic representation.

4. Rest and Subordination

The meaning of sabbath rest is subordination. Man, a creature, had the whole creation delivered to him by God on the sixth day of the

16. North, *Sovereignty and Dominion*, Appendix D:D–E.

17. Gary North, *Political Polytheism: The Myth of Pluralism* (Tyler, Texas: Institute for Christian Economics, 1989).

18. Ludwig von Mises, "Profit and Loss" (1951), in *Planning For Freedom*, 3rd ed.(South Holland, Illinois: Libertarian Press, 1974), ch. 9; Frank H. Knight, *Risk, Uncertainty and Profit* (Boston: Houghton Mifflin, 1921). Cf. North, *Sovereignty and Dominion*, ch. 32.

first week. Man was to exercise dominion under God: a subordinate who was created explicitly to rule. To acknowledge his subordinate position under God, he was supposed to rest on the seventh day of God's week, which was the first full day of man's week.[19] He rebelled instead. He illegitimately imitated God by prematurely grabbing for the robes of authority (Gen. 3:5). One aspect of Adam's curse was to have his day of rest postponed. This day of rest is definitively reached only through the New Covenant of Jesus Christ. "There remaineth therefore a rest to the people of God. For he that is entered into his rest, he also hath ceased from his own works, as God did from his" (Heb. 4:9–10). Progressively, rest is attained through covenantal obedience to God: "Let us labour therefore to enter into that rest, lest any man fall after the same example of unbelief" (Heb. 4:11). This rest from all labor in history is attained only at death: "Rest in Peace," we write on tombstones. Those who die disinherited by God in history do rest from their labors, but they have no peace forever.

Because of the nature of Adam's transgression, the Mosaic Covenant established its mandatory sabbath day as day seven. Old Covenant man was allowed to rest only after his labors were finished for the week. "Six days shalt thou labour, and do all thy work. But the seventh day is the sabbath of the LORD thy God: in it thou shalt not do any work, thou, nor thy son, nor thy daughter, thy manservant, nor thy maidservant, nor thy cattle, nor thy stranger that is within thy gates" (Ex. 20:9–10).[20] Even as he had to work for his dinner, Old Covenant man had to work for his rest. Having played the rebel in his quest to become as God, man was made to suffer the burden of cursed work before his day of rest. This had not been the original design for man's work week. The six-one pattern of work and rest was a curse, even though weekly rest was grace that man does not deserve. The one-six pattern was the original Edenic model. Man was designed to begin his week with celebration—a covenant renewal meal—and rest.

Adam rebelled against his assigned day of rest. The mark of covenant-breaking man is his assertion of primary sovereignty, meaning autonomy. God did not rest the first day. Imitating God, covenant-breaking man refused to rest on his first day. Instead, he participated in a satanic communion meal at the forbidden tree. Then

19. North, *Sovereignty and Dominion*, ch. 6.

20. Gary North, *Authority and Dominion: An Economic Commentary on Exodus* (Dallas, Georgia: Point Five Press, 2012), Part 2, *Decalogue and Dominion* (1986), ch. 24.

he sewed fig leaves to cover himself. He became a tailor. Adam's denial of his need for a day of rest was a denial of his subordinate position, metaphysically and judicially, under God.

So it was in Mosaic Israel. To work on the day of atonement—the day of man's required public acknowledgment of his subordination—was suicidal. It called down the negative sanction of spiritual death, directly imposed by God. "And whatsoever soul it be that doeth any work in that same day, the same soul will I destroy from among his people" (Lev. 23:30). It was therefore an excommunicable offense: the loss of inheritance in the land and therefore also citizenship.

This is the judicial background of the year of jubilee. It was required to be held in the year following the seventh sabbatical year, i.e., year 50. The sabbatical year was a required year of rest for agricultural land. It came at the end of six years of harvesting. The year of jubilee followed the "sabbath" of a "week" of sabbath years. This constituted a second sabbath year: a double rest period. *This was a double testimony to man's subordination to God.*

E. The Spoils of War

"In the year of this jubile ye shall return every man unto his possession" (Lev. 25:13). This provision applied to rural land. It did not apply to property in walled cities (Lev. 25:29–30). It did not apply to non-agricultural property.

1. Winners Take All

What was the historical origin of this law? Judicially, it was an application of the Mosaic sabbath (Ex. 23:10–12).[21] Historically, it was an aspect of the promised spoils of war. God offered land only to those families that would participate in the military conquest of Canaan. Families that refused to join the battle could not participate in the post-conquest distribution of land. This was never stated explicitly, but we can safely conclude that this was the case because of Joshua's dealing with the Reubenites, the Gadites, and half the tribe of Manasseh. These tribes had already inherited property outside the Promised Land, across the Jordan River. This inheritance was an aspect of the spoils of war. Moses had announced: "And when ye came unto this place, Sihon the king of Heshbon, and Og the king of Bashan, came out against us unto battle, and we smote them: And we

21. Gary North, *Authority and Dominion*, Part 3, *Tools of Dominion* (1990), ch. 53.

took their land, and gave it for an inheritance unto the Reubenites, and to the Gadites, and to the half tribe of Manasseh" (Deut. 29:7–8). However, for them to inherit this recently promised land, Joshua insisted, they would have to fight the Canaanites alongside the other tribes, despite the fact that they had already fought Sihon and Og for their land, and Moses had passed title to them. In short, *there would be no transfer of lawful title prior to the final battle*. That is to say, there would be no rest for any until after the labor of war was over for all. What had been given to these tribes definitively could not be claimed by them finally until after the conquest was over.

> Then Joshua commanded the officers of the people, saying, Pass through the host, and command the people, saying, Prepare you victuals; for within three days ye shall pass over this Jordan, to go in to possess the land, which the LORD your God giveth you to possess it. And to the Reubenites, and to the Gadites, and to half the tribe of Manasseh, spake Joshua, saying, Remember the word which Moses the servant of the LORD commanded you, saying, The LORD your God hath given you rest, and hath given you this land. Your wives, your little ones, and your cattle, shall remain in the land which Moses gave you on this side Jordan; but ye shall pass before your brethren armed, all the mighty men of valour, and help them; Until the LORD have given your brethren rest, as he hath given you, and they also have possessed the land which the LORD your God giveth them: then ye shall return unto the land of your possession, and enjoy it, which Moses the LORD's servant gave you on this side Jordan toward the sunrising. And they answered Joshua, saying, All that thou commandest us we will do, and whithersoever thou sendest us, we will go. According as we hearkened unto Moses in all things, so will we hearken unto thee: only the LORD thy God be with thee, as he was with Moses (Josh. 1:10–17).

If militarily victorious tribes had to wait for the transfer of title to land already verbally promised—land located across the Jordan and therefore not part of God's promise to Abraham—then what of lawful title to land within the boundaries of the Jordan? Surely the basis of landed inheritance inside the Promised Land would also be based on military conquest. Yet it is unheard of for any commentator to discuss the jubilee year in terms of its historical basis: the distribution of spoils after the military conquest of Canaan.[22] This is why the jubilee inheritance laws are so frequently misinterpreted, including their var-

22. Robert North's seemingly exhaustive and mentally exhausting study, *Sociology of the Biblical Jubilee* (Rome: Pontifical Biblical Institute, 1954), is a good example of modern scholarship. Based on higher critical assumptions and methodology, it never mentions the jubilee in relation to the conquest of the land.

ious applications to areas completely outside of the jubilee land law's agricultural frame of reference.

2. Genocide and Burnt Offerings

For the Israelites to inherit the land, they were required to kill everyone who had previously occupied the land. "And thou shalt consume all the people which the Lord thy God shall deliver thee; thine eye shall have no pity upon them: neither shalt thou serve their gods; for that will be a snare unto thee" (Deut. 7:16a). Note that the key issue was theology: the gods of the land's previous owners. The people of Israel were to be kept away from these alien gods.

God required a bloody burnt sacrifice as the covenantal foundation of the national inheritance: the genocide of the residents of Jericho and the city's subsequent burning. This mandatory ritual sacrifice[23] was to be followed by the total annihilation of all other residents of the Promised Land. To the degree that the Israelites in any way pitied the existing inhabitants, they would thereby compromise their inheritance. They would have to share the land with others.

Recent commentators have attempted to apply the jubilee laws to the modern world as if these laws had not been grounded in genocide. The original promise had been given to Abraham, but it was conditional on the heirs' continuation of the ritual of circumcision: a bloody rite symbolizing the cutting off of a man's biological heirs.

Consider a rate of population growth of 3% per annum, which was sustained by many agricultural nations in the twentieth century. This rate of increase would have doubled the size of the population in a quarter of a century. By the first jubilee, the average farm would have been down to just under three acres (11 divided by 4). By the second jubilee, the average farm would have been under .7 acre. And so on.

This is why the generation of the conquest had to be circumcised before the conquest could begin (Josh. 5). Commentators who do not trace the origin of the jubilee to the Israelites' genocidal conquest of the land also refuse to discuss the jubilee in terms of the unique, one-time nature of the conquest and the subsequent distribution of military spoils. To discuss the jubilee laws without also discussing the God-mandated genocide that implemented these laws is the equivalent of discussing the Christian ideal of heaven without discussing the cross, hell, and the lake of fire. The legal issue is the same: eter-

23. Achan and his entire family, including their animals, were executed for his having thwarted this required burnt offering. See Appendix A: "Sacrilege and Sanctions."

nal genocide and eternal burnt offerings—not *by* covenant-breakers; rather, *of* covenant-breakers.[24]

F. Dominion, Ownership, and Rest

Notice the phrase, "The Lord your God hath given you rest, and hath given you this land" (Josh. 1:13b). *Rest was associated with lawful inheritance*. These two and a half tribes had fought and won their land outside of the Promised Land, but they would now have to fight and win again in order to seal their lawful inheritance: "Until the Lord have given your brethren rest, as he hath given you" (Josh. 1:15a). *To seal the tribal promise, there had to be a national victory*. Only a comprehensive military victory would bring the nation the rest that would become the basis of tribal inheritance. *Only on the basis of military peace can private property be secured*. This is an eschatological reality: when the implements of war disappear, God's covenant people will then possess lawful title to their property in peace. This can come only when nations universally conform themselves to the terms of God's covenant law.

> But in the last days it shall come to pass, that the mountain of the house of the Lord shall be established in the top of the mountains, and it shall be exalted above the hills; and people shall flow unto it. And many nations shall come, and say, Come, and let us go up to the mountain of the Lord, and to the house of the God of Jacob; and he will teach us of his ways, and we will walk in his paths: for the law shall go forth of Zion, and the word of the Lord from Jerusalem. And he shall judge among many people, and rebuke strong nations afar off; and they shall beat their swords into plowshares, and their spears into pruninghooks: nation shall not lift up a sword against nation, neither shall they learn war any more. But they shall sit every man under his vine and under his fig tree; and none shall make them afraid: for the mouth of the Lord of hosts hath spoken it (Mic. 4:1–4).

There are three primary goals of war: victory (dominion), spoils (inheritance), and peace (rest). The greatest of these is peace, if the peace is secured on God's terms. Permanent peace can be attained only when the law-order of the victors replaces the law-order of the losers. Victor's justice is the only form of justice after the war ends. But without a change in law, there has been no victory. There has only been assimilation by the defeated culture. The classic examples of this in Western European history were the military victories by the

24. Gary North, "Publisher's Epilogue," in David Chilton, *The Great Tribulation* (Ft. Worth, Texas: Dominion Press, 1987).

Goths over Rome. The Goths were steadily assimilated both theologically and judicially by the Christian order that had prevailed in Rome. Legal scholar Harold Berman put it well: without a change in the legal system, there is no revolution, only a successful *coup* or rebellion.[25] It takes more than one generation to produce a genuine revolution, he said.[26] In Israel, it took two generations: the generation of the exodus, all but two of whom died in the wilderness, and the generation of the heirs, 40 years spent growing up in the wilderness. Because God ordered the total annihilation of the Canaanites, this revolution in law was not supposed to take another generation. Canaan could not be persuaded by the law, so it was to be destroyed by the law's designated sanctioning agent: the land itself, operating through the nation of Israel. God's grace to the Israelites mandated His wrath to the Canaanites.

All three goals—victory, spoils, and peace—were encapsulated in the conquest of Canaan. The conquest of Canaan did not rival the exodus as the archetype of God's dealings with His people, but it did govern that most crucial aspect of a rural civilization: the inheritance of land. The specific terms of land ownership and inheritance in Israel, which in turn established the judicial basis of citizenship, did not derive from the Old Covenant era prior to the exodus, but were announced after the exodus and were ratified in history by the conquest.

Berman quoted Goethe: a tradition cannot be inherited; it must be earned.[27] This was surely the case with Mosaic Israel. But before the promised Abrahamic inheritance could be delivered to the heirs—the fourth generation—there had to be an act of covenant renewal. The conquest was closely associated with point four: covenant renewal. The conquest began with the crossing of the Jordan (Josh. 4): a boundary violation. As had been true of Moses' crossing out of the wilderness into Egypt with his uncircumcised son (Ex. 4:24–26), this boundary violation required an act of covenant renewal. Like Moses' son, the sons of Israel had not been circumcised in the wilderness. There followed the mass circumcision at Gilgal (Josh. 5:2–8) and a Passover meal of the corn of Canaan (Josh. 5:11). The manna then ceased; the fruit of the land replaced it (Josh. 5:12).

James Jordan speculated that the entire period constituted a five-

25. Harold J. Berman, *Law and Revolution: The Formation of the Western Legal Tradition* (Cambridge, Massachusetts: Harvard University Press, 1983), pp. 19–20.

26. *Ibid.*, p. 20.

27. *Ibid.*, p. 6.

point covenantal sequence: (1) the sovereign call out of Egypt by God; (2) the establishment of a judicial hierarchy (Ex. 18), which constituted a judicial sanctuary; (3) the moral development of the inheriting generation for 40 years; (4) the conquest itself, which brought mass sanctions against the Canaanites; (5) the occupation of the land. Evidence for this is the close association of the conquest with the oath-signs of circumcision and Passover.

G. The Demographics of the Jubilee Inheritance Law

The year of jubilee nullified all existing rural land lease contracts. On what legal basis? *Assertion of original title*. God, as the primary owner, transferred the leaseholds back to the heirs of the original conquering families. God announced in advance of the conquest the terms of His leasehold contracts. These leases were to be periodically re-established with members of the families of the original invasion and conquest. There could be no other lawful basis of inheritance in the Promised Land. Eventually, a future generation of those families whose members were unwise enough not to honor these terms would find itself dispossessed through captivity (Lev. 26:33–35).

The terms of the leases created a monopoly of family ownership. No foreigner prior to the exile could ever hope to establish a landed inheritance outside of a walled city except by adoption into an Israelite family. This law tended to keep foreigners inside cities. They would have been restricted to such occupations as merchants, craftsmen, and bankers. They could become landed heirs outside the cities only through adoption by an existing Israelite family.[28] On the other hand, they themselves could become the inherited property of Israelites, for the jubilee land law established permanent, inter-generational chattel slavery for foreigners (Lev. 25:44–46).[29] The jubilee laws therefore made it difficult for foreigners to achieve a permanent cultural presence in the land. It kept them as outsiders, except as temporary leaseholders, hired workers, slaves, and residents of walled cities.

1. Population Growth

Simultaneously, the jubilee inheritance law created demographic pressure for expansion beyond the boundaries of the Promised Land. No commentator ever discusses this obvious aspect of the jubilee.

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28. This included adoption through marriage for women, as the cases of Rahab and Ruth indicate.

29. Chapter 30.

First, Mosaic law established the possibility of zero miscarriages: "There shall nothing cast their young, nor be barren, in thy land: the number of thy days I will fulfil" (Ex. 23:26). It therefore established the possibility of high birth rates. Second, it established the possibility of longer life spans: "Honour thy father and thy mother: that thy days may be long upon the land which the LORD thy God giveth thee" (Ex. 20:12).[30] Third, the law allowed the adoption by Israelites of circumcised foreigners, a practice that had taken place widely in Egypt before the persecutions began.[31] This was a covenantal formula for blessings that would produce "explosively" high population growth.[32] The rapid population growth they had experienced in Egypt, which had so terrified the Pharaoh of the oppression (Ex. 1:7–10), was the model.

When a high population growth rate is combined with a fixed supply of land, societies become progressively urbanized and progressively engaged in foreign trade. The model in the early modern period of Europe is the tiny nation of the Netherlands. The twentieth-century model was the even tinier nation of Hong Kong.[33] If residents of a small, formerly rural nation are unwilling to become urbanized, they must emigrate to less densely populated nations. The homeland fills up.

2. Small Farms and Large Families

In ancient Israel, the land was to be transferred back to the original families. The geographically bounded nation was small when they invaded, yet they came in with at least two million people. There were 601,730 adult males at the time of the conquest (Num. 26:51), plus 23,000 Levites (Num. 26:62). Since this was approximately the same number that had come out of Egypt (Ex. 12:37), there had been no population growth for 40 years. This meant that they were reproducing at the replacement rate level: 2.1 children per family. (Some children do not marry, which is why the replacement rate is not 2.0 children.) So, there must have been about 2.4 million people at the time of the exodus: two adult parents and about two children per family.[34]

30. Gary North, *Authority and Dominion*, ch. 25.

31. *Ibid.*, ch. 1:D.

32. Populations do not explode except when bombed. The language of modern growth theory has attached the metaphor of explosives to the metaphor of growth.

33. Alvin Rabushka, *Hong Kong: A Study in Economic Freedom* (Chicago: University of Chicago Press, 1979).

34. North, *Authority and Dominion.*, ch. 1.

They entered a land of about six and a half million acres.[35] This meant that the average family, had there been no cities, would have owned about 11 acres.[36] Not all of this land was arable. Some of it was taken up by cities, where the Levites lived. Over time, the number of acres per "nuclear" family unit[37] would have declined as population rose. If Israel had remained faithful to God's law, miscarriages would have ceased. The early Egypt-era rate of growth of Israelite nuclear families would have resumed. No nuclear family could have inherited more than a declining number of acres as time went on. Eventually, no farm would have been large enough to support all the heirs. This would have forced the creation of extended family agricultural corporations, with one or two nuclear families (or even foreign sharecroppers) running the farm in the name of the extended family's members, most of whom would have moved to cities or abroad. There would be no mass exodus back to the original family plots of the conquest era. Only moral rebellion could have kept the land of Israel sufficiently empty of residents to have allowed each family's return to the family plot.

Any discussion of this law as if it were a way to maintain small family farms must discuss in detail how very small these farms would have been within a century or two of rapid population growth. The point is, this law did not guarantee the continuation of agricultural life for a significant percentage of the population. There was no way for any law to assure such a way of life to a growing population in a very small nation. What the jubilee inheritance law did was *to cut off all reasonable hope that a family had any economic future in farming*, except in those periods in which the nation was in rebellion, when God would respond by sending plagues, famines, miscarriages, and other negative demographic sanctions. But in such deplorable ethical conditions, it would have been highly unlikely that the jubilee inheritance law would have been honored anyway. The system of covenantal law and covenantal sanctions in Mosaic Israel points to a conclusion that the commentators never mention: *the anti-rural im-*

35. The land was no more than 10,330 square miles. Barry J. Beitzel, *The Moody Atlas of Bible Lands* (Chicago: Moody Press, 1985), p. 25. There are 640 acres per square mile. This means 6,661,200 acres.

36. 6,661,200 acres divided by 601,730 families = 10.98 acres per family. This was comparable to the 4 to 15 acres owned by the average Roman farmer around 200 B.C. "Agriculture, history of," *Software Toolworks Illustrated Encyclopedia* (1990). This is *Grolier's Encyclopedia* on a CD-ROM disk.

37. Contrasted with the extended family.

plications of the Mosaic law. It did not despise farming; it simply made clear that hardly anyone in a God-honoring society is expected to be a full-time farmer. The urban family garden, not the family farm, is the biblical ideal.

3. Declining Per Capita Farm Income

The jubilee inheritance law was a way to guarantee every head of household a small and declining share of income from a family farm. Most heirs would have become urban residents in Israel or emigrants to other nations. The promise of God regarding population growth—being fruitful and multiplying—was a guarantee that covenantal faithfulness would lower the proportion of per capita family income derived from farming. The law made it plain to everyone except modern Bible commentators that if the nation's numbers grew as a result of God's blessing, Israelites could place little hope in the possibility of supporting themselves financially as farmers. Far from being a guarantor of egalitarianism, *the jubilee inheritance law was a law forcing covenant-keeping people into the cities or out of the nation*. This is rarely or never mentioned by commentators. Instead, they talk about rural Israel and its annulled rural laws, which were cultural.

Real estate located inside walled cities did not come under this law. Neither did property owned or leased outside the boundaries of Israel. This law warned them that *a covenantally faithful nation would become an urbanized nation and/or a nation of emigrants*. The law made it plain that their lives as farmers could continue only if they were not faithful to God's law. If the nation remained primarily agricultural, this was God's visible curse against them.

The jubilee land inheritance law was designed to force the Israelites to plan for a very different future. They were to become city dwellers as a people within the Promised Land, and traders, bankers, and skilled manufacturers outside the land. There could be no legitimate hope in remaining farmers in the Promised Land. The boundaries of the land were fixed; their population size was not. There would eventually have to be expansion beyond the boundaries of Israel, and there would have to be a concentration of population in Israel's cities. Like the garden east of Eden, the family-owned farms of Israel would be temporary dwelling places of preliminary training for worldwide dominion. The faster the population grew, the faster their life as farmers and animal herders would disappear. What the West has experienced since the late eighteenth century is what God had in mind for

Israel from the time of the conquest, namely, *rapid growth*—of population, cities, specialization, manufacturing, trade, emigration, and per capita wealth. To the extent that they did not experience this, they would know that they were under God's national curse.

The jubilee inheritance law was designed to promote emigration out of Israel and into urban occupations inside the land that relied on foreign trade. The rural land inheritance law promoted contact with foreigners. This was an aspect of the dominion covenant. It was to serve as a means of evangelism. The story of Israel, her laws, and her God was to spread abroad:

> Behold, I have taught you statutes and judgments, even as the LORD my God commanded me, that ye should do so in the land whither ye go to possess it. Keep therefore and do them; for this is your wisdom and your understanding in the sight of the nations, which shall hear all these statutes, and say, Surely this great nation is a wise and understanding people. For what nation is there so great, who hath God so nigh unto them, as the LORD our God is in all things that we call upon him for? And what nation is there so great, that hath statutes and judgments so righteous as all this law, which I set before you this day? (Deut. 4:5–8)[38]

4. The Blindness of the Commentators

R. K. Harrison's comment on the jubilee inheritance law indicates his concern with what he supposes are its economic effects. He paid no attention to demographics and its effects, which is a common characteristic of virtually all commentators on this law. "An emphasis on humanitarianism and social justice is a pronounced feature of the legislation in this chapter, and it should be noted that the tenor of the laws pursued a middle course between the extremes of unrestricted capitalism and rampant communism."[39] A middle course between communism and capitalism? This misreading of the text is so total that it is difficult to understand how anyone who has read the Pentateuch could write it. So powerful has been the Fabian socialist ideal[40] of the so-called Keynesian "mixed economy"—halfway be-

38. Gary North, *Inheritance and Dominion: An Economic Commentary on Deuteronomy*, 2nd ed. (Dallas, Georgia: Point Five Press, [1999] 2012), ch. 8.

39. R. K. Harrison, *Leviticus: An Introduction and Commentary* (Downers Grove, Illinois: Inter-Varsity Press, 1980), p. 229.

40. The most famous popular presentation of this ideal was made by British playwright George Bernard Shaw: *The Intelligent Woman's Guide to Socialism and Capitalism* (New York: Brentano's, 1928). The best critical histories of the movement are Margaret Patricia McCarren, *Fabianism in the Political Life of Britain, 1919–1931* (Chicago: Heritage Foundation, 1954) and Rose L. Martin, *Fabian Freeway: The High Road to Socialism*

tween capitalism and communism, but with limits always set by the state—that modern Bible commentators have read Fabianism's worldview into biblical texts. The condition of most intellectuals prior to the astounding overnight collapse of both Soviet Communism and socialist ideology in 1991 was well described in 1979 by historian Clarence Carson: the world in the grip of an idea.[41] That idea was either a variation of Keynesian economics or outright socialism. This outlook has colored even conservative biblical exegesis.

There was no possibility whatsoever of communism under the Mosaic Covenant. The jubilee laws were aimed at preserving private ownership, even including the private ownership of foreign-born slaves. There was no "middle course" between communism and capitalism, since communism was never an option. *The ownership system was entirely capitalistic*. God, the land's owner, from the beginning established leasehold arrangements with those who would occupy His land after the conquest. This is the essence of capitalism: a voluntary contract between owners and managers or tenants.

What Harrison might have written is that the law promoted a variety of rural familism. Yet even this minimal statement would have been true only when there was no population growth, i.e., only when the nation was under God's curse. Otherwise, the jubilee inheritance law made it clear that the only way for families to derive any meaningful economic benefit from their landed inheritance was to create some sort of corporate family ownership with delegated management—something like the modern corporate farm. Farm income would have been in the form of dividend payments: a declining percentage of family income as the families grew in number and their income from non-farming sources increased. The terms of the jubilee rural land inheritance law destroyed any hope in rural landed wealth in a society marked by a growing population. Wealth would have to become increasingly urban in origin, derived from manufacturing, services, foreign trade, and all the other occupations of the modern, distinctly urban, distinctly capitalist world.

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in the U.S.A., 1884–1966 (Chicago: Heritage Foundation, 1966). This is a condensation of Sister McCarren's privately circulated manuscript, The Fabian Transmission Belt, which her ecclesiastical superiors ordered her to withdraw in the early 1960s. She was the daughter of U.S. Senator Pat McCarren, who headed the Senate Internal Security Subcommittee in the early 1950s.

41. Clarence Carson, *The World in the Grip of an Idea* (New Rochelle, New York: Arlington House, 1979). His book was based on articles he wrote for *The Freeman* (Dec. 1968–July 1969; Jan. 1977–Sept. 1979).

What is astounding to me is that I have yet to read another Bible commentator or historian of ancient Israel who mentions any of this. I am aware of no commentator who has gone to the passage that promises the elimination of miscarriages and then to the passages that promise long life spans in his attempt to calculate the demographic effects of a growing population on rural land tenure. The commentators have systematically ignored those biblical texts that relate to God's historical sanctions—in this case the positive sanction of population growth. Only with anti-covenantal blinders firmly attached do they begin making observations on the meaning and implications of the jubilee laws. This approach to Leviticus 25 is as common among conservative Bible commentators as among the liberals. The result has been the utter failure of the commentators to make sense of the jubilee.

H. The Myth of Jubilee Egalitarianism

In the mid-1970s, Jeremy Rifkin and other humanist radicals organized the People's Bicentennial Commission. This organization was set up to take advantage of the national bicentennial celebration in the United States of the Declaration of Independence (1776). William Peltz, the Midwest regional coordinator of the Peoples Bicentennial Commission, at a meeting in Ann Arbor, Michigan, argued that conservative Christians could be turned into promoters of revolutionary politics if radicals would just show them that the Bible teaches revolution. Peltz cited Leviticus 25 as a key passage in promoting compulsory wealth redistribution.[42] This theme subsequently became popular among numerous radical Christian groups. It was promoted heavily in Ronald Sider's 1977 book, *Rich Christians in an Age of Hunger*, and also in *Sojourners* magazine. It has even become a familiar theme in certain fundamentalist groups.

Those who defend this interpretation have not understood that the jubilee was an aspect of military conquest, an economic incentive to fight that was given to each Hebrew family before Israel invaded Canaan. They also have not recognized that the jubilee was fulfilled in principle by Jesus (Luke 4)[43] and abolished historically when Israel as a nation ceased to exist. But, most of all, they have not bothered

42. *The Attempt to Steal the Bicentennial, The People's Bicentennial Commission,* Hearings Before the Subcommittee to Investigate the Administration of the Internal Security Act and Other Internal Security Laws of the Committee on the Judiciary, United States Senate, 94th Congress, Second Session (March 17 and 18, 1976), p. 36.

43. Gary North, *Treasure and Dominion: An Economic Commentary on Luke*, 2nd ed. (Dallas, Georgia: Point Five Press, [2000] 2012), ch. 6.

to tell their followers that if Leviticus 25 is still morally and legally binding, then lifetime slavery is still morally and legally valid, for it is only in Leviticus 25 that the Hebrews were told that they could buy and enslave foreigners for life, and then enslave their heirs forever (Lev. 25:44–46).[44]

Ron Sider wrote in 1977: "Leviticus 25 is one of the most radical texts in all of Scripture. At least it seems that way for people born in countries committed to laissez-faire economics. Every fifty years, God said, all land was to return to the original owners—without compensation! . . . God therefore gave his people a law which would equalize land ownership every fifty years (Lev. 25:10–24)."[45] First, the law could not possibly have equalized land holdings; families are not all the same size. The larger the family was, the smaller the individual inheritance was. That Sider ignored this obvious implication of the jubilee law indicates how little attention he paid to the context or the text of this law. Second, like Harrison, Sider ignored the fact that this law did not equalize urban land ownership in walled cities, which is where most people would have been living in Israel after a few generations of population growth. Sider went on to note that landed wealth is basic to an agricultural economy. True, but covenantally irrelevant; Israel was not supposed to remain an agricultural economy. It was to become intensely urban. Sider wrote: "But the means of producing wealth were to be equalized regularly."[46] There were two exceptions to this law of equalization, however: in rural areas and in urban areas. He never mentioned either of these exceptions.

Then Sider got to the point: an attack on private, voluntary charity, and a defense of state-mandated wealth redistribution, which he called justice: "That this passage prescribes justice rather than haphazard handouts by wealthy philanthropists is extremely significant. The year of Jubilee envisages an institutionalized structure that affects everyone automatically. It is to be the poor person's *right* to receive back his inheritance at the time of the Jubilee. Returning the

44. Chapter 30.

45. Ronald J. Sider, *Rich Christians in an Age of Hunger: A Biblical Study* (Wheaton, Illinois: Inter-Varsity, 1977), p. 88. This book was co-published by the liberal Paulist Press (Roman Catholic). A second edition was published in 1984, one which promised on the cover to respond to Sider's critics. Inside, there was no reference to David Chilton's refutation, or to a dozen other published critics. Sider simply stonewalled; his influence began to disappear almost immediately. A third edition came out in 1990, a fourth in 1997, a fifth in 2005. In that edition, he reversed himself on many issues, and abandoned his socialist rhetoric. See North, *Inheritance and Dominion*, Appendix F.

46. *Idem*.

land is not a charitable courtesy that the wealthy may extend if they please."[47] He moved without a missing a beat from the jubilee law's narrow *judicial* category—heirs of the families that had originally received the land as part of the military spoils system—to the broad *economic* category of "the poor." He conveniently neglected to mention three groups—permanent chattel slaves (Lev. 25:44–46), the urban poor, and poor strangers in the rural communities—none of whom participated in the jubilee law's inheritance. If the goal was, as he has insisted, the care of the poor, then why not all of the poor? This question points to Sider's problem: *the jubilee's goal was not wealth-redistribution to the poor*. Any explanation of the jubilee law in terms of care of the poor leads to a dead end. We can partially explain the sabbatical year in terms of care of the non-urban poor, but not the jubilee year.

Sider then moved from the historical and geographical boundaries of the Promised Land to the modern world. "Actually, it might not be a bad idea to try the Jubilee itself at least once. . . . We could select 1980 as the Jubilee year in order to give us a little time for the preliminary preparations. In 1980 all Christians worldwide would pool all their stocks, bonds, and income producing property and businesses and redistribute them equally."[48] This recommendation, understand, did not come from someone who owned any stocks, bonds, or income-producing property. It came from a tenured (no risk of being fired), salaried college professor with a pension plan. At worst, he would have had to forfeit his pension under his recommended plan to honor the jubilee year principle. At least he admitted: "There would undoubtedly be a certain amount of confusion and disruption." Such confusion of results would be the product of Sider's confusion of exegesis.

What he was advocating was the transfer of ownership of non-agricultural productive capital to pagans. Christians, he concluded, should surrender their legally valid claims over the productive economic resources of capitalism and become servants without claims: *strangers in the land*. This program of economic surrender to paganism, Sider argued, is an extension of the jubilee principle. But what was the jubilee principle, as described a few pages earlier by Sider? It was a legal prohibition against the permanent sale of a family's long-term capital to someone else, especially strangers (pagans) in the land. In other words, Sider's recommended modern application of the jubilee year principle would produce results exactly opposite of what

47. *Ibid.*, p. 89.
48. *Ibid.*, p. 93.

he had described as the original jubilee year's goal. Yet Sider's book sold very well, and was widely acclaimed in academic Christian and neo-evangelical circles as a model of relevant Christian scholarship.

Sider's book initially appeared to be based on Mosaic law. This was an illusion. On the page following his suggested program of economic surrender to paganism, he wrote: "Still, I certainly do not think that the specific provisions of the year of Jubilee are binding today. Modern technological society is vastly different from rural Palestine. . . . We need methods appropriate to our own civilization. It is the basic principles, not the specific details, which are important and normative for Christians today."[49] This is the standard antinomian argument: the details of God's revealed law are irrelevant today; let us therefore glean and apply only the principles. But there is a major problem with this approach: Without our obedience to the specified details, how can we be confident that our application of the underlying principle is valid? How can we discover the underlying principle if we automatically toss out the specified applications? In short, what good are Bible's case laws without the actual cases? Paul argued that the case law prohibiting the muzzling of oxen while they labored in the field (Deut. 25:4)[50] can be applied two ways: (1) the Christian has legitimate confidence in the positive outcome of his labors (I Cor. 9:9–10);[51] (2) elders are deserving of double honor (I Tim. 5:17–18).[52] He did not add, however, that since we now live under the New Covenant, we can lawfully muzzle our working oxen because we are bound only by the principles of the case laws, not the details thereof.

I. Aliens and Inalienable Land

We can discover the fundamental jubilee principle by beginning with God's own statement regarding the reason for the jubilee law: "The land shall not be sold for ever: for the land is mine; for ye are strangers and sojourners with me" (Lev. 25:23). Problem: God owns all the earth, then and now. "For every beast of the forest is mine, and the cattle upon a thousand hills" (Ps. 50:10).[53] Yet this very ownership

49. *Ibid*., p. 94.

50. North, *Inheritance and Dominion*, ch. 63.

51. Gary North, *Judgment and Dominion: An Economic Commentary on First Corinthians*, 2nd ed. (Dallas, Georgia: Point Five Press, [2001] 2012), ch. 11.

52. Gary North, *Hierarchy and Dominion: An Economic Commentary on First Timothy*, 2nd ed. (Dallas, Georgia: Point Five Press, [2001] 2012), ch. 7.

53. Gary North, *Confidence and Dominion: An Economic Commentary on Psalms* (Dallas, Georgia: Point Five Press, 2012), ch. 10.

of the world is what led to the special position of the land of Canaan and its conquerors: "Now therefore, if ye will obey my voice indeed, and keep my covenant, then ye shall be a peculiar treasure unto me above all people: for all the earth is mine: And ye shall be unto me a kingdom of priests, and an holy nation. These are the words which thou shalt speak unto the children of Israel" (Ex. 19:5–6). It was the Israelites, and *only* the Israelites, who were to be owners of rural land in Israel—not the immigrant stranger, and surely not the Canaanite.

Only the Israelites were strangers and sojourners with God. Therefore, for as long as God dwelled uniquely in the land, only His covenant people were allowed to remain agricultural owners. They would police the land's boundaries, keeping strangers out except on God's terms: inside walled cities, inside Israelite households as slaves, as leaseholders, and as free agricultural laborers. Far from being sojourners in the sense of "wanderers in the land," Israelites were to become the only permanent owners of rural land. They might be strangers and wanderers outside the Promised Land, but permanent owners inside. The Promised Land was to serve as "home base" in a worldwide program of trade and evangelism. To be a perfect stranger to the covenant-breaking world outside the geographical boundaries of Israel, one had to be: (1) a covenanted member of an Israelite family that had participated in the conquest, or (2) an adopted member of a walled city's tribe. This was the meaning of "strangers and sojourners with me": strangers to the world but perpetual land owners inside rural Israel. Then as now, the concept of *stranger* was an inescapable concept. A person was either a stranger *with* God or a stranger *from* God. The physical mark of circumcision and lawful inheritance inside Israel identified a man as being a stranger with God.

So, God set apart the Promised Land as His holy dwelling place. He sanctified it. He placed boundaries around it. Thus, the fundamental covenantal principle of the jubilee law was holiness: the separation of *covenantally unequal* people from each other.

God established His people as owners of the land through an historically and judicially unique program of genocide. The covenantal principle of the jubilee is simple: those who worshipped false gods within the geographical boundaries of Israel could not own agricultural land. The original Canaanites had to be killed, God insisted, while future immigrants from pagan nations would have to be confined geographically. For as long as they dwelt within the land's geographical boundaries under the terms of the original distribution,

Israelites had to keep strangers from inheriting agricultural land.[54] Strangers could inherit houses only inside walled cities. The walls were symbols of the covenantal restraints on them. They could also lawfully be enslaved on a permanent basis if they ever sold themselves to an Israelite family. This means that the primary economic concern of the jubilee laws was not the equalization of property, or even equality of opportunity; it was, on the contrary, the establishment of the principle of *inequality of opportunity* for those outside the covenant.

The economic principle is clear: those who did not worship the God of the Bible, as well as the heirs of those who had not proven their devotion to God by participating in national genocide, had to be restricted economically (no landed inheritance) or geographically (inside walls). There was a corollary: the vast majority of the covenantally faithful nation would eventually move into walled cities, which would have made it less likely that strangers would become economically influential there. *The fundamental economic principle of the jubilee laws was that those outside the covenants—civil, familial, and ecclesiastical—should be kept economically and numerically subordinate to those inside the covenants*.[55] Does Sider regard these principles as morally binding today? I think not. (I also wonder if he believes that they were morally valid during the Mosaic era. I would like to see him write an article defending these principles as they applied in Mosaic Israel.) But this raises a fundamental question: How can we apply these jubilee principles in New Covenant times?

J. Citizenship

Let me re-write Sider. "Leviticus 25 is one of the most radical texts in all of Scripture. At least it seems this way for people born in countries committed to pluralist democratic politics." In ancient Israel, citizenship was by formal covenant.[56] It was not by property ownership. The stranger could be circumcised, but he could not inherit rural land. He could therefore not become a judge in the Promised Land as a member of the congregation unless he was adopted into an Israelite tribe (walled city) or family. Only if adopted could he become eligible to serve in God's holy army, which was the mark of citizenship.

54. This restriction ended after their return from exile (Ezek. 47:21–23). See below, Section N.

55. They were always subordinate politically: North, *Political Polytheism*, ch. 2: "Sanctuary and Suffrage."

56. *Idem*.

The strangers' economic and cultural influence was to be offset by a growing concentration of Israelites living in walled cities. The walled cities were places of refuge for immigrants (as cities become in nations that open their borders to immigrants), but walled cities were not to become strongholds of foreign influence, either political or economic. Any city in Israel that covenanted with a foreign god was to be totally destroyed (Deut. 13:12–17).

The interactions between foreign cultures (plural) and domestic culture (singular) would take place mainly in the walled cities of Israel and in the commercial cities of other societies. The kingdom (civilization) of God was to overwhelm the kingdoms of all other gods. Cities would be the places where the confrontation between God's kingdom and all others would take place. The jubilee inheritance law, when coupled with a rising Israelite population, insured that there would be a strong and growing presence of covenant-keepers in the walled cities of Israel.

K. Geographical Holiness

Jesus spoke of a coming transfer of His kingdom: "Therefore say I unto you, The kingdom of God shall be taken from you, and given to a nation bringing forth the fruits thereof" (Matt. 21:43). He spoke of new wine in old wineskins: "Neither do men put new wine into old bottles [*askos*: leather bag]: else the bottles break, and the wine runneth out, and the bottles perish: but they put new wine into new bottles, and both are preserved" (Matt. 9:17). The New Covenant would soon break the limits of the Old Covenant. The church would soon replace national Israel. This is why Paul speaks of the church as "the Israel of God" (Gal. 6:16).

With the fall of Jerusalem in A.D. 70, the Promised Land lost the final remnants of its judicial holiness.[57] The land of Israel was no longer uniquely the place of God's residence. This change in covenantal administration had been made visible when the veil separating the holy of holies from the holy place was torn at the time of Christ's death. This destruction of the temple's physical barrier between man and God was immediately verified by the destruction of that most fundamental of all boundaries in history, the boundary of the grave. "Jesus, when he had cried again with a loud voice, yielded up the ghost. And, behold, the veil of the temple was rent in twain from the

57. David Chilton, *The Days of Vengeance: An Exposition of the Book of Revelation* (Ft. Worth, Texas: Dominion Press, 1987).

top to the bottom; and the earth did quake, and the rocks rent; And the graves were opened; and many bodies of the saints which slept arose, And came out of the graves after his resurrection, and went into the holy city, and appeared unto many" (Matt. 27:50–53).

This destruction of the key geographical boundary in Israel—God's set-apart dwelling place in the temple—led to the judicial destruction of the other geographical boundaries: Levitical cities vs. walled cities, walled cities vs. fields, Israel vs. the world. *With the end of national Israel's covenantal holiness came the end of geographical Israel's holiness. This annulled the jubilee land laws.*

L. The Promise of Sanctuary

The law required that "ye shall return every man to his possession, and ye shall return every man unto his family" (Lev. 25:10b). This was why it was illegal to enslave an Israelite permanently. *The family plots served as legal sanctuaries*. An Israelite's legal claim to eventual freedom and his legal claim to landed inheritance were both aspects of the same covenantal grant. An Israelite could not legally alienate his freedom, his heirs' freedom, or his share in the land.[58] Civil freedom and rural land ownership were linked. Any unwillingness on the part of the civil magistrates to enforce the jubilee land laws was implicitly *a denial of sanctuary* to the heirs of the Abrahamic promise and also a denial of the original terms of the conquest.

The legal justification for the right of the Israelites to buy resident aliens on a permanent basis (Lev. 25:44–46)[59] was the fact that resident aliens were not citizens of the commonwealth. They could not serve as civil judges or as warriors in God's holy army. They were outside the civil covenant. They were guaranteed sanctuary from pagan lands, but not sanctuary within the land. They could be sold into slavery to pay their debts, including especially debts to victims of their crimes.[60] Their heirs—the fruit of their loins—were sold with them.[61]

58. The one exception involved the transfer of ownership to a priest (Lev. 27:20–21). See chapter 36.

59. Chapter 20.

60. It was therefore very risky for foreigners to commit major crimes in Israel. Making restitution could lead to his children's permanent enslavement if the criminal could not buy his way out before he died.

61. Adult male children of pagans presumably were not sold into slavery with their parents. Neither were married daughters and aged parents. Adults had already established separate family jurisdictions. But those children who were still under the covenantal jurisdiction of alien parents went into bondage with them.

A family's original grant of land at the time of the conquest established a legal claim to sanctuary from permanent enslavement for its heirs. The land was holy, sanctified by God's presence. The Israelites were holy, sanctified by God's promise to Abraham and also by their obedience to the requirement of the covenant: circumcision.[62] The family plots were sanctuaries, sanctified by God's original ownership of the land and by the terms of his leasehold with Israel at the time of the conquest.

When Jesus declared the jubilee fulfilled by Him (Luke 4:18–21),[63] He granted universal sanctuary. The land of Israel would no longer serve as a place of sanctuary in history, sanctified by the special presence of God. The kingdom of God has become the New Covenant's place of sanctuary—not merely the institutional church, but the civilization of God. The whole world of paganism is required by God to seek sanctuary in Christ's church. This substitution of a new sanctuary annulled the jubilee land laws, and thereby also annulled the jubilee's permanent slave law.

The alternative to this interpretation of the New Covenant is the long-held defense of slavery made by Christian commentators. Their interpretation—never explicit but necessarily implicit—is that the annulment of the jubilee land laws did not also annul the slave law. This leads to the conclusion that God's law no longer makes provision for those seeking geographical sanctuary. In other words, when national Israel ceased to offer sanctuary to the lost or the righteous foreigner, geographical sanctuary ceased in history. The argument runs as follows: "The Israelites no longer possessed a guarantee of jubilee liberty; therefore, the liberty announced by Christ must have constituted the annulment of Mosaic liberty. God has annulled the land-sanctuary-liberty connection, but nothing has taken its place. Thus, slavery is validated as a universal institution."

The only New Testament-based alternative to this unpleasant interpretation is to conclude that liberty has been validated by the work of Jesus Christ, and the mark of this validation is the abolition of slavery in Christian nations. The church has never publicly acknowledged the abolitionist implications of Jesus' fulfillment of the jubilee law. His announcement was not, to my knowledge, ever cited by any abolitionist of the late eighteenth and nineteenth centuries. But after

62. The promise was obviously conditional.

63. Gary North, *Treasure and Dominion: An Economic Commentary on Luke*, 2nd ed. (Dallas, Georgia: Point Five Press, [2000] 2012), ch. 6.

1780, pressure to abolish slavery increased within many Anglo-Saxon Protestant churches that were located outside of the slave-owning regions. By the end of the 1880s, chattel slavery had been abolished in the West.[64]

Meanwhile, national sanctuaries for the oppressed and poor were opened: free emigration and immigration. But, after World War I, this open access was steadily closed by legislation. Immigration barriers were erected everywhere. The modern passport is one of humanism's important covenantal marks: a progressive contraction of international sanctuaries. Political liberals as well as political conservatives have affirmed the legitimacy of these immigration barriers.[65] When nations are no longer covenantally Christian, i.e., when they adopt religious pluralism and other marks of citizenship besides church membership, and when they replace voluntary charity with welfare state entitlements, the Christian evangelist's call to the lost in the name of Christ steadily fades. "Come unto me, all ye that labor and are heavy laden, and I will give you rest" is replaced by "Keep out those welfare-seeking bums!" Finally, when mandatory identification cards are issued by the state to every resident in order to "reduce welfare fraud," all of the remaining sanctuaries tend to disappear: in churches, regions, and families.[66]

M. Citizenship and Land Ownership

Under the initial distribution of the land under Joshua, no non-citizen could own rural land. Not every citizen had to own rural land—most notably, a circumcised immigrant or his heir who was eligible to serve in the army—but every rural land owner had to be a citizen. This law ended with the exile (Ezek. 47:21–23),[67] when the land vomited out the Israelites.

1. Rural Land Was Special

Why should land ownership in any nation be limited to its citizens? If the uses of the land are under civil law—and land can hardly be moved outside this jurisdiction—then what does it matter who

64. David Brion Davis, *Slavery and Human Progress* (New York: Oxford University Press, 1984).

65. The ultimate immigration barrier is abortion.

66. Gary North, "The Sanctuary Society," *Journal of Libertarian Studies*, 13 (Summer 1998).

67. Gary North, *Restoration and Dominion: An Economic Commentary on the Prophets* (Dallas, Georgia: Point Five Press, 2012), ch. 22.

owns it? The rent will be the same, no matter who owns the property, since owners cannot unilaterally establish rent in a free market. Rent payments are established in terms of competition: owners vs. owners, renters vs. renters. I ask: What is the *covenantal* justification for civil restraints on real estate sales to foreigners? Land ownership confers no right to vote—citizenship—to owners. It therefore has nothing to do with the civil covenant. Restrictions on land sales to foreign residents constitute restrictions against the maximization of an existing land owner's wealth. Why should the civil government be given such control over the sale of land? It is not sufficient to cite the jubilee agricultural land laws; these laws applied only to land that had been transferred by God to the families that participated in the conquest of Canaan.

The idea that a person can somehow disinherit his heirs merely by exchanging land ownership for the ownership of money is a peculiar notion. It may be a valid concern in a statist society that places legal restrictions on the purchase of real estate—"once sold, always sold"—but in a free market social order, the idea is ridiculous. Such a view is culturally derived, not economically or judicially derived. Disinheritance is surely not limited to land ownership. Neither is inheritance. To imagine that the sale of land to another family or to a business, foreign or not, is somehow a means of disinheritance is to adopt a magical view of land. Such a view is not a New Covenant view, for the Mosaic covenant has been abrogated by the New Covenant.

There is nothing either covenantal or magical about land. The once-powerful myths of "blood and soil"—pagan family myths and pagan agricultural myths, both of which are pagan fertility myths—have long served as rival religions to Christianity. The Latin root word for *pagan* means *villager*. Rural areas were where the gospel met its greatest resistance from the beginning of the church. The most recent national revival of these dual myths took place in industrial Germany under Nazism: the work of a dictator who had self-consciously adopted the symbolism of soil and the occult as a tools of public mobilization.[68] One of the great benefits of free market capitalism and its consequent urbanization has been the cultural undermining of these fertility myths. In response, the defenders of the old pagan

68. Leni Riefanstahl's Nazi propaganda film, *Triumph of the Will* (1935), records the Nazi Party conference of 1933. The film has scenes of organized rural residents, spades used as symbols of the soil, and happy peasant types. On the occult, see Dusty Sklar, *The Nazis and the Occult* (New York: Dorset, 1977).

order openly reject the idea of progress as a rival and erroneous myth. This is consistent with ancient paganism's cyclical theory of time.

While there can be legitimate traditional or sentimental feelings about the land in some societies, these feelings possess no unique judicial authority in a private property-based social order.[69] As with any scarce economic resource, the land owner must meet the demands of the highest-bidding consumers or else suffer net economic losses (e.g., forfeited rent). Land ownership is unique only in land's physical immobility. Its uses are easier to control by law. Real estate is also less liquid economically than other assets, since extensive knowledge of a particular property's location and condition is required to assess its value.

2. Inheritance and Mobility

In a nation such as the United States, in which almost one-fifth of the population moves to new residences every year,[70] an attempt to defend restricted land ownership in terms of the Bible is most peculiar. Primogeniture (eldest son inherits the family's land) and entail (prohibition on sale of the family's land) were never major aspects of New England Puritanism, and both faded rapidly in the late eighteenth century in Virginia. While laws authorizing both practices were on the books in most of the American colonies up until the American Revolution (1776–83), there are few court records indicating that such laws were ever seriously enforced.[71] When enforced, these laws reduced the authority of parents to control their children, especially with respect to marriage.[72] Without the covenantal authority of tribal organiza-

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69. The agrarian worldview expressed in *I'll Take My Stand*, the 1930 manifesto written by a dozen American Southern literary figures, remains personal sentiment or personal aesthetic taste unless backed up by civil law. If backed up by civil law, the manifesto means *I'll Take My Stand Against Economic Freedom*—not just "yankee industrial capitalism," but the free market a social order. The paganism of the modern "deep ecology" movement is another extension of the myth of the soil. It is deeply hostile to science, progress, and economic freedom. Man's problem is not his environment, urban or rural; man's problem is sin. Delivery from sin is not through a change in the environment.

70. About 18% of the population moved residences, 1987–88: *Statistical Abstract of the United States, 1990* (Washington, D.C.: Department of Commerce, Bureau of the Census, 1990), Table 25.

71. Robert A. Nisbet, "The Social Impact of the Revolution," in *America's Continuing Revolution: An Act of Conservation* (Washington, D.C.: American Enterprise Institute for Public Policy Research, 1975), p. 80. Nisbet regarded the post-Revolution abolition of primogeniture and entail as symbolically important, not judicially important.

72. Edmund S. Morgan, *Virginians at Home: Family Life in the Eighteenth Century* (Charlottesville: University of Virginia Press, 1952), pp. 34–35.

tions to direct the line of inheritance, laws restricting the sale of land restrict both parental authority and social mobility. This restriction on social mobility was also present in Mosaic Israel, although population growth and urbanization would have overcome much of this restricted mobility. God placed these restrictions on landed inheritance for the sake of the promised messianic seed; in A.D. 70, God destroyed the tribes and abrogated the tribal land laws.

The dominion covenant requires mobility: the conquest of society by the gospel. The ownership of the world was transferred definitively to Jesus at Calvary, and from Him to His people in history. The spread of the gospel is God's authorized means of progressive conquest—inheritance—by His people. The idea of covenantally restricted land ownership is foreign to the idea of mobility (dominion) in New Testament times. The covenantal threat of land ownership by a foreigner no longer exists under biblical law. Only those nations, such as the United States, that perversely sanction citizenship based on residence or birth in the land are threatened by foreign-born owners of land. There is no covenantal or political threat whatsoever from ownership by foreign corporations.

The tremendous social and economic mobility offered by modern capitalism cannot be separated from the freedom to buy and sell land. A cry to legislate a policy of limiting land ownership to a nation's citizens, especially in a large country, indicates the degree to which voters are uninformed about (1) economic theory (rent), (2) economic facts (freedom of contract), and (3) social theory (social mobility). A cry to limit land ownership to citizens in the name of the Mosaic jubilee land laws adds ignorance about the Bible to the three other forms of ignorance. This raises the question of land ownership by foreigners.

N. Land Ownership by Foreigners: Then and Now

One misguided idea that began to circulate in conservative American Christian circles in the late 1980s was the suggestion that citizens and corporations of a foreign nation should not be permitted to buy land in the United States. The theological defense of this suggestion has been an appeal to the jubilee land laws. The purchase of American land by foreigners has not been a problem, nor has it been much of a phenomenon, except possibly in Hawaii, where Japanese companies have bought land to build golf courses to be used only by Japanese players. Because a single golf course membership in the best

club in Tokyo cost over $3 million in late 1989 (up from $769,000 in 1986),[73] plus $4,000 for a member to play one 18-hole game, it became cheaper for Japanese golfers to pool their funds, buy a Hawaiian golf course or build it, charter a jet over the weekend, fly to Hawaii, play two rounds, and fly home. But this "golfing invasion" hardly constituted a threat to American national interests. Tight money and a falling stock market in Japan ended speculative golf course investments after 1989.

The most prominent American theologian to articulate this view of restricted land ownership is Rushdoony, who in most cases is a firm defender of property rights. But in the case of land ownership, he appealed back to the land laws of Mosaic Israel. He wrote that "Scripture is very clear about the alien *within* the country; he must be treated the same as a covenant man, even if an unbeliever. As a believer, he is free to inter-marry with covenant families. The alien *outside* the covenant country has no property rights within the land. Ownership is a form of responsibility, and responsibility within the covenant land is to the covenant of God; hence, he cannot buy into the land. The first fruits of the earth, and the tithes on agricultural and commercial increase, belong to the Lord."[74] This was indeed true of agricultural land in Mosaic Israel, but the land laws of Mosaic Israel died with the transfer of God's kingdom to the church in A.D. 70. They were not resurrected. To argue otherwise is to allow the redistributionist jubilee theology of Ronald Sider to enter in through the back door, as well as Simon Legree: the re-introduction of inter-generational slavery (Lev. 25:44–46).

The primary legal issue for rural land ownership in Mosaic Israel was adoption, not confession. Both the confessing resident alien [*geyr*] and the non-confessing resident alien [*nok-ree*] could buy inheritable residential real estate inside walled cities. Confession had nothing to do with urban residential ownership. On the other hand, covenant-keeping converts to the faith had no access to rural land ownership apart from their adoption into a family of the conquest generation. The resident alien's orthodox confession had nothing to do with inalienable rural ownership except insofar as such confession was likely for adoption into an Israelite family.

73. *The Strait Times* (Singapore) (Nov. 23, 1991). The price later fell to $2 million in 1991 as a result of the drop in Japanese real estate prices.

74. R. J. Rushdoony, "Ownership," Position Paper, *Chalcedon Report* (April 1990), p. 17.

Rushdoony's comment on the lawfulness of land ownership by immigrants is even less accurate with respect to the post-exilic period. He did not mention the relevant passage, Ezekiel's prophecy of a new law that would prevail after their return to the land: "So shall ye divide this land unto you according to the tribes of Israel. And it shall come to pass, that ye shall divide it by lot for an inheritance unto you, and to the strangers that sojourn among you, which shall beget children among you: and they shall be unto you as born in the country among the children of Israel; they shall have inheritance with you among the tribes of Israel. And it shall come to pass, that in what tribe the stranger sojourneth, there shall ye give him his inheritance, saith the Lord GOD" (Ezek. 47:21–23). The prohibition against permanent rural land ownership by the circumcised resident alien ended after the exile. This had nothing to do with marriage to an Israelite. The circumcised stranger was the covenantally faithful resident alien [*geyr*], from whom it was illegal to take interest (Lev. 25:35–37), not the resident who was not part of the covenant [*nok-ree*], from whom it was legal to take interest (Deut. 23:20).[75]

The civil enforcement of property rights to land in the New Covenant era has nothing to do with either theological confession or bodily residence. The jubilee land laws of Israel have all been annulled. They were never cross-boundary laws; they applied only to the land and heirs of the conquest. No judicial appeal to any of those laws is valid today. Those who appeal to them risk placing us in bondage: the revival of permanent chattel slavery or the imposition of permanent slavery to the messianic welfare state.

Conclusion

The jubilee year began with the day of atonement. This was a day of public submission to God, invoking His grace: a positive sanction. The judicial issue of the day of atonement was man's subordination to God. There could be no profit-seeking work on that day. Men had to rest contentedly in God's grace.

The jubilee year was the culmination of the cycle of sabbatical years. Sabbatical years were mandated by God in order to train landless Israelites and poor strangers how to produce for a market. The Mosaic law identified harvesters as landless or impoverished people who worked as harvesters or gleaners in six years out of seven. In

75. North, *Inheritance and Dominion*, ch. 57.

sabbatical years, they became dependent on whatever it was that God would allow the fields to produce apart from cultivation. In those years, harvesters learned to make decisions without a land owner or his supervisor ruling over them.

The jubilee inheritance law applied to rural land inside the boundaries of Israel. It did not apply to houses within the walled cities of the nation except Levitical cities (Lev. 25:32–33). It also did not apply to property outside the Promised Land. This law had been given to the people by God because He was the owner of the land (Lev. 25:23). It was part of the terms of God's lease under which they held rights of administration as sharecropping tenants, with 10% of any increase owed to God through the Levites and priests. It was also part of the spoils of war.

God is owner of all the earth, not just the Promised Land. Why did the jubilee laws not apply to all other nations? Because these laws applied only to His special dwelling place. They were an aspect of God's holiness, which is why the jubilee laws appear in Leviticus, the book of holiness. The Promised Land was to be kept holy: set apart judicially from all other nations. How? Initially, this separation began with God's promise to Abraham: definitive holiness, i.e., definitive sanctification.

The second phase of the process of separation began with the conquest: progressive holiness, i.e., progressive sanctification. God clean-sed the land of His enemies by means of total war: the annihilation of His enemies. He required the extermination of the gods of Canaan by means of an original program of genocide. He promised to dwell in the land that contained the tabernacle and temple; He would not permit any other god to be worshipped publicly in Israel. Thus, the gods of the land had to be removed from public view. To achieve this initially, the Israelites were told by God to exterminate or drive out every person dwelling in the land. Only Rahab and her family would be allowed by God to escape this judgment, for she had established a pre-invasion covenant with God.[76]

Third, His holiness was to be defended by enforcing a law that kept post-conquest immigrants from ever owning property in Israel

76. It is worth noting that members of Rahab's family never formally voiced their individual support of this covenant, but by remaining silent before she made it, when the civil authorities had questioned her regarding the spies (Josh. 2:3), they became lawful residents of Israel through their adherence to the external demands of Rahab's covenant. If they remained inside their section of the wall, despite the collapse of the remainder of the wall, they could remain in the Promised Land (2:19).

except inside Israel's walled cities. The families of the conquest received an inheritable lease that could not be alienated beyond 49 years. Later immigrants could sublease rural property if they were sufficiently productive, but they could not leave an inheritance beyond the jubilee year.

Fourth, God established a law that removed from the majority of the population any legitimate hope of remaining farmers in Israel if His blessings were forthcoming in response to their covenantal faithfulness as a nation. They surely knew that, as Israel's population expanded, no branch of any extended family could retain economic control over of a particular plot of rural land apart from the compliance of all the other members of the family, except perhaps as a small recreational property (a consumer good). If they wanted income from the land, they could attain it only through its productivity. Small, isolated plots are not very productive. If they wanted to maximize their passive income from their portion of the extended family's land, they would have to cooperate with other members of the extended family in selecting representative managers, either from within the extended family or from outside its legal boundaries. If any nuclear family unit wanted to farm all of the original "eleven acres" for the others, it would have to meet the competition of any other members of the extended family who might offer to serve as the family's representatives on the farm.

Fifth, wealthy immigrants and strangers in the land would have tended to dwell in walled cities, where they could own homes. This is where the population of the Israelites was intended by God to be channeled over time. This process was intended to keep strangers and foreigners from gaining too much influence in their 48 cities. They would have been outnumbered by immigrants from rural areas.

Sixth, God kept the geographically dispersed Levites from gaining political control through land purchases. Their cross-tribal boundary judicial influence was advisory. The jubilee land law made it impossible for Levites to centralize land ownership. They could only rarely inherit rural land (Lev. 27:20–21).[77] But to make sure that they would not abandon their support of the jubilee year because of their desire to inherit rural land, they were given jubilee privileges in the cities: reversion in the jubilee year (Lev. 25:32–33). When enforced, this aspect of the jubilee land laws would have tended to confine their political power to cities, but it also balanced the jubilee law's economic costs

77. Chapter 36.

and benefits for them. Over time, their influence would grow with the population, as more people congregated in cities, assuming that they could find ways of maintaining the people's theological allegiance in a progressively urbanized culture. Ultimately, cities would have become economically dominant, and therefore politically dominant, just as they have become all over the world in modern times. But the Levites were not supposed to centralize political and economic power during the rural phase of the Israelite kingdom.

The primary covenantal issue of the jubilee laws was holiness. The jubilee inheritance law had little or nothing to do with assuring economic equality, except in times of national covenantal cursing: stagnant population. The law had everything to do with the mandating of political and cultural *inequality*: giving a permanent head start to heirs of the conquest over immigrants, even those immigrants who became members of the covenant through circumcision, but not members of land-inheriting families. Only through adoption, either directly or through marriage (for females), could immigrants gain this advantage.

25

ECONOMIC OPPRESSION BY MEANS OF THE STATE

> *And if thou sell ought unto thy neighbour, or buyest ought of thy neighbour's hand, ye shall not oppress one another: According to the number of years after the jubile thou shalt buy of thy neighbour, and according unto the number of years of the fruits he shall sell unto thee: According to the multitude of years thou shalt increase the price thereof, and according to the fewness of years thou shalt diminish the price of it: for according to the number of the years of the fruits doth he sell unto thee. Ye shall not therefore oppress one another; but thou shalt fear thy God: for I am the* Lord *your God.*
>
> LEVITICUS 25:14–17

The theocentric message of this passage is that God is not an oppressor. Though He is the author of the law, as well as the final judge, He does not use His authority to do injustice. He does not seek unfair advantage. Neither should those who act in His name as His stewards.

A. Terms of the Lease

God was the owner of the land of Israel: *special ownership* as distinguished from general ownership of the earth. He established the terms of ownership and leasing within Israel's boundaries. His *permanent sharecropping tenants* were required to honor these terms. More specifically, they were required to imitate God: *no oppression*. The terms governing leaseholds in some unique way reflected God's dealings with His people. As an aspect of the jubilee land law, this law was a specific application of the general law prohibiting oppression.

In buying and selling, both parties were required to honor the limiting factor of the jubilee year. This raises important questions. First, what is oppression, biblically speaking? Second, is oppression here

merely the failure to write contracts whose provisions ended with the advent of the jubilee year? Third, did this warning refer only to rural land sales?

The context indicates that rural land was the thing being bought and sold. But the legal restriction on the leasing of land would also have applied to the leasing of men. If, for example, an Israelite was sold into bondage because of his failure to repay a business debt, his term of servitude could not extend beyond the jubilee year.[1] The law required that "ye shall return every man to his possession, and ye shall return every man unto his family" (Lev. 25:10b). Business debt could not be collateralized by land beyond the jubilee.

The first question is more difficult to answer. What is *oppression* in this context? Has it anything to do with pricing? The text indicates that it has everything to do with the *period of time* in which the terms of the contract will apply. Time has something to do with pricing, but what? "According to the multitude of years thou shalt increase the price thereof." The question arises: Increase the price from what? What were the *price floor* and *price ceiling* that governed the pricing of additional years? How were they established? To answer this question in the absence of historical records, we need to understand something about modern capital theory.

We need to think very carefully about how prices are formed in a free market society if we are to discuss the meaning of economic oppression. If we do not understand how prices are established in a free market society, we may be tempted to accuse sellers of goods and services (i.e., buyers of money) of having oppressed buyers (i.e., sellers of money). Warning: he who brings a lawsuit against another should first determine if an infraction of God's law has taken place. The Bible is clear: he who testifies falsely against another and is subsequently convicted of having made a false accusation must suffer the same penalty that his intended victim would have suffered (Deut. 19:15–21).[2] Historically, there have been a great number of would-be economic theorists who have made such accusations against an entire class of people. There have been politicians and bureaucrats who have imposed socialistic programs onto society in the name of such conscience-driven economic analyses. They have shown zeal without

1. If he was being sold to repay a zero-interest charitable loan, his term of servitude could not extend beyond the sabbatical year (Deut. 15:12).

2. Gary North, *Inheritance and Dominion: An Economic Commentary on Deuteronomy*, 2nd ed. (Dallas, Georgia: Point Five Press, [1999] 2012), ch. 45.

knowledge. The result has been economic exploitation through state coercion on a massive scale, always in the name of economic justice and frequently in the name of social salvation.[3] Where such policies have been widely enforced, God has brought His curse: low productivity and low income.

B. Pricing a Factor of Production

The text speaks of *the years of the fruits*. "According to the number of years after the jubile thou shalt buy of thy neighbour, and according unto the number of years of the fruits he shall sell unto thee" (v. 15). This is a very important economic concept. Capital theory is dependent on it. Land and labor produce fruit over time. This is what makes land and labor valuable. Modern economic theory, beginning with the marginalist (subjectivist) revolution of the early 1870s,[4] attempts to explain the relationship between the market value of the fruits of production and the market value of the economic inputs that produce these fruits.

What does modern economic theory teach? First and foremost, it teaches that all economic value is *subjective value*. Economic value is imputed, i.e., it is subjectively determined.[5] Economic value is not the product of labor; on the contrary, labor is valuable because of the value of labor's output.[6] Economic value is also not the product of objective costs of production. The classical economists, from Adam Smith to Karl Marx and John Stuart Mill, argued for objective value theory—labor theory of value or cost-of-production theory of value—but the marginalist or subjectivist revolution rejected this approach to value theory.[7] The classical economists did not trace market exchange, production, and the formation of prices solely to the actions of consumers. They did not construct a general theory of value.[8]

3. Jack Douglas, *The Myth of the Welfare State* (New Brunswick, New Jersey: Rutgers University Transaction Books, 1989).

4. The simultaneous and independent work of William Stanley Jevons, Leon Walras, and Carl Menger. See *The Marginalist Revolution in Economics: Interpretation and Evaluation*, eds. R. D. Collison Black, *et al.* (Durham, North Carolina: Duke University Press, 1973).

5. Gary North, *Hierarchy and Dominion: An Economic Commentary on First Tim-othy*, 2nd ed. (Dallas, Georgia: Point Five Press, [2001] 2012), Appendix B.

6. Any scarce economic resource with a market price is in part the product of labor. If it is not yet the product of labor, such as a waterfall, it will have to have labor (including intellectual labor) added to it before its fruits can be appropriated. Before any asset can be appropriated and used by an owner, he must perform some kind of labor.

7. Mark Skousen, *The Structure of Production* (New York: New York University Press, 1990), ch. 2.

8. Ludwig von Mises, *Human Action: A Treatise on Economics* (New Haven, Connecticut: Yale University Press, 1949), p. 63.

1. Customer Authority

The subjectivists concluded that economic inputs possess value only in relation to the value of their output. The question immediately arises: *Value to whom*? Concluded the subjectivists: value is imputed subjectively by an imputing agent—the customer—to the fruits of production. In his *Theory of Money and Credit* (1912), Ludwig von Mises wrote that "in the last resort it is still the subjective use-value of things that determines the esteem in which they are held."[9] In short, "the only valuations that are of final importance in the determination of prices and objective exchange-value are those based on the subjective use-value that the products have for those persons who are the last to acquire them through the channels of commerce and who acquire them for their own consumption."[10] The persons who are the last to acquire anything are called *consumers*. They do not act as intermediaries for other buyers. If all potential consumers were to refuse to pay for some asset's fruits of production, these fruits would have no economic value.[11] Neither would the specific factor of production, assuming that all producers recognized that no future consumer will ever pay for this output. Thus, "The consumers determine ultimately not only the prices of the consumers' goods, but no less the prices of all factors of production."[12] Regarding capital goods, Mises wrote: "The prices of the goods of higher orders are ultimately determined by the prices of the goods of the first or lowest order, that is, the consumers' goods. As a consequence of this dependence they are ultimately determined by the subjective valuations of all members of the market society."[13] This is why he concluded: "The pricing process is a social process."[14]

But don't producers have more money than final consumers? Can't they impose their will on final consumers? On the contrary, producers have far less money than final consumers do, which is why producers are vulnerable to shifts in consumer demand. Producers own inventories of highly specialized consumer goods and even more spe-

9. Ludwig von Mises, *The Theory of Money and Credit*, 2nd ed. (New Haven, Connecticut: Yale University Press, 1953), pp. 102–3.

10. *Ibid.*, p. 103.

11. In another place, I have discussed why value theory in economics requires the doctrine of an imputing sovereign God in order to avoid the incoherence produced by pure subjectivism's theory of autonomous man. See Gary North, *Sovereignty and Dominion: An Economic Commentary on Genesis* (Dallas, Georgia: Point Five Press, [1982] 2012), ch. 5.

12. Mises, *Human Action*, p. 271.

13. *Ibid.*, p. 330.

14. *Ibid.*, p. 335.

cialized producer goods (capital equipment). Final consumers own the most marketable commodity, money. They have the competitive advantage. Think of a producer of shoes. If consumers decide they do not like the style of these shoes, what can the producer do with these shoes? Spend a fortune on advertising to change consumers' minds? I am in the advertising business; let me assure you, *most producers do not have sufficient funds to change the minds of many consumers.*[15] All the shoe manufacturer can do is lower the price of his inventory, even if he does not regain his costs of production. After all, some income is better than no income. Some money is better than a pile of unsold shoes that must be stored somewhere.

Final consumers can buy many things with their inventory of unspecialized money; producers cannot buy many things with their inventory of specialized goods. This is why final consumers are *economically sovereign* over producers, even though customers and producers are equally sovereign legally. The hierarchy of control under capitalism is economic. Final consumers "hold the hammer": money (the most marketable commodity) plus the legal authority to buy or not to buy from any producer.

Market theory rests on the insight that the final consumer is *economically* sovereign,[16] even though the owner of a tool of production is *legally* sovereign. The owner lawfully can do whatever he pleases with his property, so long as he does not physically injure someone else, but *he cannot thwart the final consumer at zero cost.* If he thwarts the demand of the highest-bidding final consumer by not selling the capital good's final output to him, he thereby forfeits the extra amount of money which that consumer would have paid him. The owner's inventory cost is not just the cost of storage and insurance, but also the forfeited income.[17]

The free market, with its lure of profit, encourages the specializing of risk-bearing (insurance) and uncertainty-bearing (entrepreneur-

15. The classic example is Ford Motor Company's introduction of the Edsel automobile, 1958–60. Ford could not sell enough cars to make a profit.

16. The phrase "consumer sovereignty" is generally attributed to W. H. Hutt. Hutt, "The Nature of Aggressive Selling" (1935), in *Individual Freedom: Selected Works of William H. Hutt*, eds. Svetozar Pejovich and David Klingaman (Westport, Connecticut: Greenwood Press, 1975), p. 185. Biblically speaking, this sovereignty is delegated from God: hierarchical authority. Humanistic economists do not believe in either God or delegated sovereignty. So, they refer to the final consumer as sovereign. I prefer to speak of customer authority.

17. The cost of production is not an aspect of economic cost. What is spent is spent: sunk costs. Once spent, the producer's past costs are irrelevant to the crucial question: What can I get for my stock of goods?

ship).[18] Capitalism allows final consumers safely to transfer to producers both the risk and the uncertainty of deciding what to produce and when, since the legal system places in the hands of consumers the authority to say "no" to those products and services that they do not wish to buy at the prices offered. The final consumers therefore hold the hammer over producers, despite the fact that the producers appear sovereign because they decide what gets produced. What they cannot control is what gets sold at what price.

2. Economic Imputation

So far, there is something missing from this explanation of the structure of capitalist production and distribution. (Note: this is an integrated system; production is not separate from distribution.)[19] What is missing is imputation. We have seen that production takes place over time. So, a question arises regarding the valuation of capital goods, raw materials, labor inputs, and land. How does the present value of any scarce economic resource relate to the value of its final output? That is to say, how do present prices relate to future prices?

To answer this, we need to apply Mises' theory of entrepreneurship to capital goods theory. *Producers act as the economic agents of future consumers*. Producers forecast future market demand as well as they can. They study historical records of previous market demand (perhaps only a few minutes old), and then they guess what future demand (consumers) and future supply (their competition) will be. That is, they guess what the market price will be for a particular product.[20] As Mises wrote in 1922 in his monumental refutation of socialism, the capitalist "must exercise foresight. If he does not do so then he suffers losses—losses that bring it about that his disposition [control] over the factors of production is transferred to the hands of others who know better how to weigh the risks and the prospects of business speculation."[21]

University of Chicago economist Frank Knight[22] agreed with Mises

18. Frank H. Knight, *Risk, Uncertainty and Profit* (Boston: Houghton Mifflin, 1921), p. 244.

19. Murray N. Rothbard, *Man, Economy, and State: A Treatise on Economic Principles*, 2nd ed. (Auburn Alabama: Mises Institute, [1962] 2009), ch. 7:2:C, ch. 9:5.

20. Mises, *Human Action*, p. 333.

21. Ludwig von Mises, *Socialism: An Economic and Sociological Analysis*, trans. by J. Kahane, 2nd ed. (New Haven, Connecticut: Yale University Press, [1932] 1951), pp. 140–41. First German edition: 1922.

22. He taught the more famous student, Milton Friedman. He studied under the more

on the role of entrepreneurship, although he rejected Mises' theory of interest and capital. Knight understood that the consumer is sovereign under capitalism, and the entrepreneur-producer is his servant. He noted the amazing fact that today's consumer does not know exactly what he will want to buy in the future or what he will be willing to pay. Therefore, "he leaves it to producers to create goods and hold them ready for his decision when the time comes. The clue to the apparent paradox is, of course, in the 'law of large numbers,' the consolidation of risks (or uncertainties). The consumer is, to himself, only one; to the producer he is a mere multitude in which individuality is lost. It turns out that an outsider can foresee the wants of a multitude with more ease and accuracy than an individual can attain with respect to his own. This phenomenon gives us the most fundamental feature of the economic system, *production for a market*. . . ."[23]

In the expectation that a particular piece of capital equipment will produce something of value to future consumers—something they will pay for—producers today impute value to capital equipment. They do the same with land, labor, and raw materials. *They do this as present economic agents of future consumers*. (I keep repeating this because non-economists simply do not grasp it, including thousands of non-economists who hold Ph.D.'s in economics.) Mises described land ownership by a farmer in a market economy: "He does not control production as the self-supporting peasant does. He does not decide the purposes of his production; those for whom he works decide it—the consumers. They, not the producer, determine the goal of economic activity. The producer only directs production towards the goal set by the consumers."[24]

Understand, however, that these consumers are not present consumers, for production is always aimed at the future. *The consumers who control production are in the minds of the producers*. A particular producer—the capitalist entrepreneur—may discover later that the actual consumers do not act in the way that his mental consumers did. He will then suffer losses, either because he has to sell his output for less per unit than he planned, in order to unload his inventory, or else he sells it at the expected price per unit, but then discovers that he could have charged more.[25] In either case, he experiences a loss.

famous teacher, Max Weber, and translated Weber's 1919–20 lectures: *General Economic History*.

23. Knight, *Risk, Uncertainty and Profit*, p. 241.

24. Mises, *Socialism*, p. 41.

25. An interesting epistemological question can be asked at this point: If the produc-

The producer can consult present prices, meaning the most recent historical record of *publicly published* prices. This does not tell him anything secure regarding the future. Mises wrote in *Human Action* that "the prices of the factors of production are determined exclusively by the anticipation of future prices of the products. The fact that yesterday people valued and appraised commodities in a different way is irrelevant. The consumers do not care about the investments made with regard to past market conditions and do not bother about the vested interests of entrepreneurs, capitalists, land-owners, and workers, who may be hurt by changes in the structure of prices. Such sentiments play no role in the formation of prices. . . . The prices of the past are for the entrepreneur, the shaper of future production, merely a mental tool."[26] A good's present price is only a starting point for the producer's inquiry into the possible range of a similar good's future prices. These prices are set by competition: producers vs. producers, consumers vs. consumers.

3. Factors of Production

Land and labor are original factors of production.[27] Capital is not an original factor of production; it is the product of land (raw materials) and human labor over time.[28] Thus, the producers of capital equipment (producers' goods) act as present economic agents of future buyers and renters of producers' goods, i.e., future *consumers* of producers' goods. The producers of capital goods impute value to present raw materials and labor. They enter the markets for raw materials and labor and bid against each other to buy legal control over these scarce economic resources. That producer whose imputations of the present value of these resources are the highest, and who then bids up the price until no bidders remain to bid against him, wins legal control of specific resources. Producers give up the ownership of present goods (money) in order to buy future goods—the output of whatever resources they have bought—that can later be sold for

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er and his competitors never discover that he could have charged more, has he suffered an economic loss? If pure subjectivism is true, and if God's omniscience is not part of the theoretical explanation of value, then on what basis can the economist say that the producer has suffered a loss? If there is no objective value, then there cannot be an objective loss. But if there is no subjective perception on the part of the producer or his competitors that he has sustained a loss, has he in fact sustained it? This is an unsolved theoretical dilemma of modern humanistic economics.

26. Mises, *Human Action*, p. 334.

27. *Ibid.*, p. 634.

28. *Ibid.*, p. 635.

more money than they paid for them, they hope. A present purchase of original factors of production costs a producer the ownership of presently owned consumer goods (i.e., money that could buy consumer goods) *over time*. What it costs him, in other words, is *interest*.

What about owners of land? The same process of imputation takes place. Land contains raw materials. Coupled with labor, these raw materials can be fashioned to produce goods. The present value of land is therefore imputed to it by men who are acting as economic agents for future consumers. If the net value of a piece of land's output is zero or less, and is expected to remain zero or less, then the value of the land is zero or less.[29] It can rise above zero only when the expectations of imputing agents change.

C. An Expected Stream of Net Income

When a person purchases a piece of property, he is buying legal ownership over what the text in Leviticus calls the years of its fruitfulness. The buyer is buying an expected *stream of production* when he buys a piece of land, but he cannot know for sure that this stream of income will persist in the future. As Knight wrote in 1933, "The basic economic magnitude (value or utility) is service, not good. It is inherently a stream or flow in time. . . ."[30] To put it bluntly, *streams can dry up*. This is what happened to Israel in the three years of drought when Elijah fled the nation (I Kings 17).

The jubilee law limited its discussion of fruits to agricultural land located in Israel, but the same principle of ownership always governs the purchase of any scarce economic resource: the owner has purchased legal control over an expected stream of net productivity (a capital good) or over an expected stream of passive income (a bond).

If a person buys a capital good for a cash payment, he becomes its permanent owner. If he rents it for a specified period of time, he becomes a lessee. Because the capital good is physical, people without training in economics tend to think of it differently from the way

29. An example of a piece of land that is worth less than zero would be a toxic waste site whose present owner is told by the government to clean it up at his expense.

30. Knight, "Preface to the Re-issue," *Risk, Uncertainty and Profit*, p. xxvi. Mises rejected the whole concept of a stream of income: "There is in nature no such thing as a stream of income. Income is a category of action; it is the outcome of careful economizing of scarce factors." Mises, *Human Action*, p. 390. The stream of income concept has nevertheless proven useful in discussing the discounting process of time-preference or interest: a discount applied to expected income over time. We speak of time as flowing; the same language of continuity applies equally well to the arrival of income over time.

they think of a promissory note. But the present value of the note is not derived from the physical piece of paper or a blip in a computer memory device; rather, it is derived from the estimated value of the money it promises to repay in the future, discounted by the prevailing rate of interest.[31] Similarly, the present value of a capital good is not derived from its physical make-up; rather, its present value is the estimated value of what it is expected to produce, discounted by the prevailing rate of interest. *The economic issue is value, not physical make-up*. The economic issue is the market's present imputation of future value, discounted by the prevailing rate of interest. Thus, the same process of imputation (valuation) applies equally to promissory notes, land, and capital equipment.[32] Prior to the abolition of slavery in the nineteenth century, it also applied to human labor. We call this imputation process *capitalization*.

Consider the case of a person who leases a piece of equipment. His lease contract permits him to sublease it to someone else. A second person agrees to make a cash payment or else a periodic payment to the person who leased the equipment first. The person who leased the asset first has now become a recipient of money income. It is now the same as if he had purchased a bond in the first place instead of leasing a piece of equipment from someone else. He now owns a piece of paper issued by a third party who promises to pay him in the future. So, there is no *economic* difference between buying a stream of *net future income* in the form of a piece of capital equipment or a written promise to pay (IOU).

D. Economic Oppression

The text warns against becoming an economic oppressor. What must be recognized from the beginning is that in the case of buying and selling rural land in Israel, *economic oppression was a two-way street*. Whether a person was a seller of land (buyer of money) or a buyer of land (seller of money)—i.e., whether a lessor or lessee—he could become an oppressor, according to this passage. "And if thou sell ought unto thy neighbour, or buyest ought of thy neighbour's hand, ye shall not oppress one another" (Lev. 25:14). This should warn us against any thought that the potential oppressor is always a buyer of some asset, or that a seller is always the potential oppressor.

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31. On the interest rate (time-preference), see Rothbard, *Man, Economy, and State*, ch. 6:2.

32. On the discounting process, see *ibid*., ch. 7.

This is especially relevant with respect to buyers of labor services (sellers of money) and sellers of labor services (buyers of money). It has been assumed by those who favor civil legislation that "protects labor" that employers are almost always the oppressors. Similarly, it has been assumed by those who oppose trade unions that the unions are normally the oppressors. Neither assumption is valid. What is valid is the conclusion that when the civil government interferes in the competitive market process of making voluntary contracts, *the group favored by the legislation becomes the economic oppressor*. This oppression is established by positive sanctions (subsidies) and negative sanctions (restraints against trade). The element of *civil compulsion* is the most important aspect in identifying the Bible's concept of *economic oppression*.

Let me explain my reasoning by a discussion of the economics of labor unions. If the state threatens violence against an employer who refuses to hire trade union members, or refuses to pay the wages demanded by trade union members, the employer is being oppressed economically. But it is not just the employer who is victimized. If he capitulates to the state, then he must fire (or refuse to hire) those workers who are not union members. They are no longer legally employable by him. They are now forced by law either to look elsewhere for employment or join the local trade union, which may not be possible because of unofficial restrictions against entry.[33] What the voters and the politicians had regarded as economic oppression—an employer's refusal to hire one group of workers—was in fact a decision by the employer to hire *a different group* of workers: those who did not belong to a trade union. But very few legislators ever consider the effects of their law on those excluded. The legislation is called "pro-labor," but it is in fact discriminatory against specific laborers. *Such legislation oppresses non-union members*.

The challenge for the economist is to use economic reasoning to explain what cannot be seen. Voters can literally see specific people working for higher wages than they were offered before, and so the voters conclude that the legislation has "helped labor." The public

33. Trade unions gain their economic ability to extract above-market wages from employers by their legal authorization from the state to exclude non-union members from the auction for labor services. If all trade unions opened their membership to all applicants, the unions could no longer exclude competing laborers, and the unions' ability to extract above-market returns would then disappear. Unions adopt non-price means of excluding members: race, nationality, and especially the absence of family connections. See Gary S. Becker, "Union Restrictions on Entry," in Philip D. Bradley (ed.), *The Public Stake in Union Power* (Charlottesville: University of Virginia Press, 1959), ch. 10. Becker won the Nobel Prize in economics in 1992.

cannot literally see those voters who have been forced by law to seek employment elsewhere. The voters do not readily consider the secondary effects of this "pro-labor" legislation, for these secondary effects are not visible. These effects are only perceived through economic reasoning—a skill that must be developed. The belief that "labor" in general has been helped by legislation making trade unions compulsory *in certain industries* and *in certain regions* is an example of what the mid-nineteenth-century French essayist Frédéric Bastiat called the fallacy of the effects not seen.[34]

Furthermore, it is not just the employed labor union member who benefits. Those employers who can now afford to hire the excluded laborers, but who could not have afforded to do so at the wages previously offered to these laborers, before the law was passed, receive a subsidy: lower-priced labor services. So, civil legislation to "help labor" and to "stop exploitation by employers" by making trade unionism compulsory necessarily winds up helping some laborers at the expense of others, and also *helping some employers at the expense of others*.

It takes only the simplest level of economic analysis to understand the economic effects of such legislation, but virtually no college-level economics textbook discusses the legislation in this forthright manner, and no high school textbook does. Neither do the history textbooks. There is a good economic reason for this omission. The vast majority of textbooks are sold to tax-funded schools, and these schools are subject to political pressure from well-organized trade unions, most notably the high school teacher unions. It is not in the unions' interest to have students exposed to the idea that their teachers' income is based in part on the political exploitation of other potential teachers who are willing to work for less but who are excluded through a threat of government violence against the school system's Board of Trustees. After several generations of such textbooks, even the trustees fail to understand the economics of legislated violence.

E. The State and Economic Oppression

The text in Leviticus warns against exploiting others economically. The person who leases a piece of land from an owner can become an oppressor, but so can the owner who leases it. The ethical and judicial question is this: What is economic oppression? This is not so easy to

34. Frédéric Bastiat, "What Is Seen and What Is Not Seen" (1850), in *Selected Essays on Political Economy* (Irvington, New York: Foundation for Economic Education, [1964] 1968), ch. 1.

answer as Christian social commentators and humanistic legislators have sometimes imagined.

In my commentary on Exodus, I argued that neither the Bible nor economic theory provides a legally enforceable definition of economic oppression that is based on price. I argued that the state creates the conditions for economic oppression: injustice. This is affirmed by Psalm 82, which refers to rulers of the congregation, which was the nation as a whole.[35] "God standeth in the congregation of the mighty; he judgeth among the gods. How long will ye judge unjustly, and accept the persons of the wicked? Selah. Defend the poor and fatherless: do justice to the afflicted and needy. Deliver the poor and needy: rid them out of the hand of the wicked" (Ps. 82:1–4). Here is what I wrote in my Exodus commentary.

Economic theory provides no definition of the concept of "economic oppression" in the case of voluntary transactions. Only where coercion is involved—the threat of physical violence—can the economist be confident that oppression is involved. This does not mean that a definition of oppression is impossible, but it does mean that no appeal to modern humanistic economic theory can provide a clear-cut definition. The use of the coercive power of the civil government to extract resources from other people can be regarded as oppression in most instances, but there are no clearly defined criteria of oppressive voluntary transactions made in a free market. The mere presence of competitive bargaining between unequally rich or unequally skillful bargainers does not constitute economic oppression, as the bargain between Jacob and Esau indicates (Gen. 25:29–34).[36] Nevertheless, there *are* acts of economic oppression, even if conventional economic theory cannot state the criteria scientifically (neutrally).[37]...

In the case of voluntary economic transactions, the Bible gives no specific guidelines as to what constitutes economic oppression, apart from oppression in the form of commands to perform a civil crime (e.g., adultery). There are laws that prohibit false weights and measures or other crimes involving fraud, but these are general rules

35. James B. Jordan, *The Sociology of the Church* (Tyler, Texas: Geneva Ministries, 1986), Appendix A: "Biblical Terminology for the Church."

36. Gary North, *Sovereignty and Dominion: An Economic Commentary on Genesis* (Dallas, Georgia: Point Five Press, [1982] 2012), ch. 26.

37. Gary North, *Authority and Dominion: An Economic Commentary on Exodus* (Dallas, Georgia: Point Five Press, 2012), Part 3, *Tools of Dominion* (1990), ch. 48:C.

for the whole population. They are not laws designed specifically to protect widows, the fatherless, and strangers. Apart from the law regarding weights and measures, *the Bible does not authorize legislation or court decisions against perceived cases of economic oppression*.[38] There are no biblical (or economic) guidelines that define "price gouging" or "rent-racking," or similar unpopular practices. The attempt of governors and judges, whether civil or ecclesiastical, to go beyond the enforcement of specific laws against fraud is necessarily an expansion of arbitrary rule. Legal predictability suffers, and therefore human freedom also suffers. The power-seeking state expands at the expense of individual freedom.

This is not to argue that such evil economic practices do not exist. No doubt they do exist. The question is: What, if anything, is the civil government or a church court supposed to do in any formal case of alleged oppression? The problem that freedom-seeking Christian societies must deal with is the preservation of the judicial conditions necessary for maintaining personal liberty. How can a society avoid oppression by unjust civil magistrates if the legal system offers great latitude for civil judges to define arbitrarily and retroactively what constitutes an economic crime? Civil government is a God-ordained monopoly of violence. Allow arbitrary and unpredictable power here, and the entire society can be placed under the bondage of oppressors—oppressors who legally wield instruments of physical punishment. In contrast, economic oppression is an individual act by a specific person against a handful of people locally. It is a temporary phenomenon, limited at the very least by the continuing wealth of the oppressor, the continuing poverty of the victims, and the lifespans of both the oppressor and the oppressed. There are no comparably effective restraints on oppression by those who control the administration of civil justice. Society-wide, monopolistic, state-enforced sin is generally a far greater threat to potential victims of oppression than localized, privately financed sin.[39]

F. Oppression and the Jubilee Land Law

We now return to the text of the jubilee land law. Who is likely to become the victim of oppression? Answer: the person with less reli-

38. The laws requiring gleaning and prohibiting interest-bearing charitable loans to fellow Israelites had no civil penalty attached to them.

39. North, *Authority and Dominion*, ch. 48:E.

able information about alternative offers and future economic *and* legal conditions. This can be either party. In an overwhelmingly agricultural community, both parties probably have equally good information about the value of the fruits of production. The person who wants to lease the land probably has somewhat poorer information about the physical details of the property. On the other hand, the land owner may have fallen into debt. Perhaps he is not a good manager of his money. He may be a poor farmer. He may have poor information about the value of the stream of *net* income from the land. So, the text does not specify one of the two parties as the more likely oppressor.

To identify the oppressor here, we need to identify the person who uses the state, or his knowledge about the most likely future actions of the state, in order to gain a competitive advantage over the other person in a voluntary transaction. It is rare for biblical law to specify pricing as *judicable* economic oppression except in life-and-death situations—what I call "priestly pricing." Biblically defined economic oppression through price-setting is usually based on a person's efficient use of illegitimate power by the state. The oppressor and the civil magistrates act in collusion to oppress someone or some group.

1. A Question of Knowledge

The law of the jubilee was clear: in year 50, Israel's agricultural land was to revert to the original owners or their heirs. This leads me to ask: On what basis could anyone not have known what to pay for or charge for leasing the land? All land was not equally valuable. To the extent that one piece of land was more productive, net, than another, to that extent the lease price would have been higher than less productive land. For example, a farm with a well-developed orchard would have brought a higher price than a farm whose income was dependent on farming that required higher inputs of labor and capital. The net income from the fruit of the orchard probably would have exceeded the net income from grain farming. So, the existence of variously priced annual leasehold rents was not necessarily evidence of economic oppression by anyone.

Then what was? A cash payment or long-term annual rent agreement that was either too high (an exploiting lessor) or too low (an exploiting lessee) for the number of years remaining before the jubilee. But since everyone knew the number of years remaining, how could there be any doubt about this? The answer should be clear to

anyone who has followed my logic so far: *one of the parties knew that this statute would probably not be honored by the civil magistrates when the year of jubilee arrived*.

Which of the two would become the beneficiary if only one of them knew the truth? In the case of an advance cash payment for the full term of the lease, the party making the payment would have benefited. The person giving up control over the property would have asked a price on the assumption that the property would return to him or his heirs in the jubilee year. But this price was too low if the person gaining control would not in fact be required to relinquish control at the jubilee.

In the case of a long-term lease arrangement, however, the person agreeing to pay the existing owner an annual payment until the next jubilee year would have taken on an obligation longer than he had suspected. If the civil courts enforced the payment of the terms of the lease, but refused to enforce the jubilee, the person obligated to pay could become the oppressed party. If the land became less productive or its fruits less valuable in the market, the person who leased the land was stuck. The owner would collect his rental payment indefinitely.

2. The Civil Magistrates as Enforcers

The decisive factor, then, was the covenantal faithfulness of the civil rulers. Their decision to neglect the enforcement of the jubilee year would create conditions for economic oppression by one of the two contracting parties. Each party in the transaction was therefore warned in advance by God: do not become an oppressor, *even if corrupt civil magistrates make such oppression possible* by refusing to enforce the terms of the jubilee land law. God warned everyone to abide by the jubilee law even if the civil rulers did not enforce it.

If I am correct in my analysis of this passage, then we have additional evidence that *economic oppression in a free market is usually the result of civil magistrates who refuse to enforce God's Bible-revealed law*. It is rarely the process of voluntary pricing in a free market that constitutes economic oppression; it is rather pricing in a society in which civil magistrates favor a particular individual or class by means of economically discriminatory legislation or economically discriminatory court decisions. *State subsidies of all kinds enable people to oppress each other economically*. The incentive to oppress others in this way is universal. The ability to do so is very limited when the civil magistrates restrict their actions to enforcing the laws of God by imposing

the sanctions specified by His law. The state initiates economic oppression by creating the legal conditions in which such oppression is profitable. In short, *the state subsidizes economic oppression*. As in the case of any state subsidy, this increases the supply of the item being subsidized: economic oppression.

G. The Legitimacy of Both Rent and Interest

This law provides evidence of the existence of rental agreements in ancient Israel. A lease is a rental agreement. A potential lessee approaches the land owner and makes an offer to take control of the land, meaning *the fruits produced by the land over time*. "Land" here is defined as everything on the land or under the land, including houses, streams, ponds, fish, metals, and anything else specified by either the lease or local custom. The lessee can pay this rent in advance, or annually, or by a combination of the two. The terms of the lease are negotiable. What was not negotiable in ancient Israel was an extension of this lease beyond the beginning of the next jubilee year. The sound of the ram's horn in year 50 would end all agricultural leases.

Let us assume that the ram's horn has sounded. How would Israelites have estimated the value of a new lease? Let us begin with a hypothetical situation in which an heir has just inherited his land. He is an international trader by profession. He has no interest in farming. Neither do his sons. What he wants is cash, so that he can make purchases for the next voyage. He advertises that he is willing to lease the property to anyone who wants it: high bid wins.

Let us assume that those who might be interested in leasing the land are all of equal forecasting ability and equal ability as farmers. They all have cash, and they all want to farm. How will they calculate the value of the lease?

1. Capitalizing Future Income

First, they will make forecasts regarding the *average net income* that can be derived from the fruit of the land over the next 49 years, including those initial six sabbatical years in which there is neither income nor a miraculous triple crop.

Second, they will seek information on what the correct rate of interest is for long-term loans. (Let us assume that a developed market for commercial loans did exist in Israel.) The person with money to invest can invest in a farm for a period of time or lend the money into the loan market. The lender makes adjustments for comparative rates

of risk, and then he decides where to invest in terms of the highest available rate of return. Will he invest in the land's lease or a bond? If his goal is money income, it will make no difference to him where the money will come from. He seeks the highest rate of return. He cares nothing about getting his hands into "the good earth," nor does he become ecstatic when clipping coupons. He simply wants the highest rate of return on his invested money. He can pay the land owner cash and receive lawful access to a stream of future agricultural income, or he can pay a borrower cash and receive a stream of future money income.

Let us consider a specific example. If the lessor's land is expected to produce an ounce of gold per year, net of all expenses, and the bond-issuer promises to repay the creditor an ounce of gold per year, *the present price of the lease will equal the present price of the bond*. Why? Because the rate of interest—the discount applied to the price of future goods in relation to the price of present goods—is applied equally to both streams of income. Once he has adjusted for comparative rates of risk regarding repayment, the man with gold to invest is not comparing a piece of paper (an IOU) with acres of dirt; he is comparing gold held in the present vs. gold received in the future.

If there was no organized market for such loans in ancient Israel, then each of the prospective lessees would have had to estimate what his own rate of discount was. This discount is not on money as such; it is on time itself. (I shift to the present tense.) Each potential lessee asks himself: "How high do I discount the value to me of future income in relation to cash held today?" If he expects to gain from the farm a net income of one ounce of gold per year,[40] including forfeited income during six sabbatical years, he will not offer the farm's owner 49 ounces of gold, cash, even if he has that much available to invest. Why not? Because he already has 49 ounces of gold. Why should he give up 49 ounces today in order to get back one ounce per year over a 49-year period? *A bird in hand today is worth more than a bird in hand 49 years from now*.[41] The 49th ounce of gold that he owns today is worth a great deal more to him than the 49th ounce of gold he expects to receive 49 years in the future. The discount that he applies to the value of each year's ounce of gold is his rate of interest.

40. This sounds about right for an 11-acre farm in the United States today; in ancient Israel, it would have been too much, except possibly in the inflationary era of Solomon's reign, when gold poured into his personal treasury (I Kings 9:14, 28; 10:10, 14).

41. Especially if you are 49 years old.

2. Interest and Rent

There are some contemporary commentators who claim that the Old Testament's prohibition against interest from charitable loans to the poor—"thy poor brother" (Deut. 15:9)—also applied to commercial transactions. Rarely or never are these critics professional theologians, let alone economists. This interpretation of "usury" is incorrect. The two types of loans were (and are) morally and legally different.

The Hebrew word translated as *usury* in the King James Version means *interest*. Interest was prohibited when it was derived from a morally obligatory charitable loan to a poor person, either brother in the faith or a righteous resident alien. It was not prohibited when it was from a business loan, which was not morally obligatory. The charitable loan was morally compulsory (Deut. 15:9–10); the commercial loan was not. The charitable loan was cancelled in the seventh year (Deut. 15:1–7); the commercial loan was not. The borrower who did not repay a charitable loan on time could be sold into indentured servitude; this servitude lasted until the debt was repaid or until the year of national debt relief (Deut. 15:12–13). In contrast, the borrower who failed to repay a commercial loan suffered whatever penalties the contract specified. This collateral could legally involve indentured servitude beyond the seventh year, but not beyond the beginning of the year of jubilee, when every person had the right to return to his own land. The jubilee year was to break the bonds of every citizen in Israel, meaning every person who had an inheritance based on the conquest of Canaan.

Interest is familiar to most people: a payment made to a creditor by a debtor for the use of money over time. The money is then spent by the borrower in order to buy a factor of production or on consumption. But why should this definition of interest be limited to money? The addition of money to the transaction does not alter the economic nature of the transaction: *payments made over time for the use of a scarce resource over time*. It results from a discounting process: services today are worth more than the same services tomorrow. Today's value of a bird in hand is greater than today's value of a guaranteed bird in hand in the future. (I am not speaking here of comparative risk.)

Why is a resource valuable? Because it generates *rent*: a stream of income over time. To gain legal access to this stream of income, the renter must pay rent to the owner.[42] As people's knowledge of economic alter-

42. This assumes that he is not a sharecropper.

natives improves, rental payments made to the owner of a production factor will more closely approximate the market value of that factor's output. Because the term *rent* has for so long been applied to land, people think of it exclusively as a factor payment to land. This limited definition is valid only in the case of a narrow theoretical discussion of the original factors of production: land (rent) and labor (wage).[43] But a wage is a rental payment for human labor. The analytic concept of rent—a stream of income—applies to every factor of production.

In terms of economic theory, the payment of rent is made to maintain legal control over any factor of production. A consumer today can rent a car or a tool or almost anything else that can be purchased. What if I want to buy a stream of income for a period of time? I can go into the market and offer a cash payment. How much will I offer? If I am well informed, I will offer no more than the expected stream of income *discounted by the rate of interest*. I can buy land this way. I can buy tools. I can buy a contractual stream of money: a bond. Because of market competition, the cash price I must pay to buy the rent (passive income stream) from land will equal the cash price I must pay to buy the rent (passive income stream) from a bond (money contract), assuming everyone expects them to produce equal streams of passive income. Unless I am misinformed (or remarkably charitable), *I will not pay more to buy the same passive income stream from different sources of equal risk*. Stated differently, the interest rate (discount for time) applies equally to rental income from all sources.

If I want to gain legal control a piece of land that will provide me a passive income stream over a period of time, I can do it in either of two ways: (1) borrow the money and pay cash in advance for the use of the land, paying *interest to the creditor*; (2) lease the land weekly or monthly, paying *rent to the owner*. Legally, the terms of the two contracts are different. Economically, they are the same.

This leads us to an important conclusion: if paying interest for the use of money over time is illegal biblically, then paying money for the use of land over time is also illegal biblically. We call such payments for land *rent*. I will put it another way. If I were to borrow money at a rate of interest and then go out and use this money to pay cash for the use of a piece of property over the same period as the loan period, it is no different economically from going to the owner of the property and guaranteeing him monthly rent for that period. I can either guarantee to pay the creditor who loaned me cash a monthly rate of

43. Rothbard, *Man, Economy, and State*, pp. 367–69.

interest until I repay the principal *or* guarantee to pay the property owner a monthly rental payment until the lease expires. Legally, I am equally obligated to pay. Economically, it will cost me the same amount of money in a competitive market.

Very few of those people—never are they trained economists—who claim that all interest payments are immoral understand that their negative judgment against interest must apply equally to rent.[44] A denial of the legitimacy or legality of interest payments over time is also a denial of the legitimacy or legality of rental payments over time, i.e., a lease.

The critic of all interest payments who says that he opposes interest payments "because the Old Testament does" has a major problem with Leviticus 25:14–17, i.e., the law governing long-term land leases. If a *lease* is legitimate, then *rent* is also legitimate, for a lease is a long-term rental contract. If rent is legitimate, then *interest* is also legitimate, for interest in a modern capitalist market is a rental contract for the use of money—an agreement entered into only because borrowers have uses for things money can buy. There is a lender and a borrower in each case. There is an agreement to pay money in installments over time for the use of goods over the same period of time. The lender (a person who gives up money or goods for a period of time) forfeits the use of the things that the cash would buy. The borrower (a person who gains control over money or goods for a period of time) gains access to the things money can buy by means of his promise to repay money or goods in the future. In each case, the lender will not lend unless he receives more money or more goods in the future than he gives up today; otherwise, it would be irrational to give them up, except as an act of charity.

Conclusion

The jubilee land law prohibited oppression in the writing of land lease contracts. Oppression resulted when one of the two parties to the transaction used specialized knowledge to take advantage of the other. The kind of knowledge was quite specific: *knowledge of future de-*

44. One of my critics who understood this was S. C. Mooney. He wrote: "The economic similarity between usury and the rent of property readily is admitted. However, this close connection does not serve to legitimize usury, as Locke et all suppose; but to condemn rents." Mooney, *Usury: Destroyer of Nations* (Warsaw, Ohio: Theopolis, 1988), p. 172. For my detailed critique of Mr. Mooney's utterly bizarre theory of interest and his equally bizarre applications, see *Authority and Dominion*, Appendix J: "Lots of Free Time: The Existentialist Utopia of S. C. Mooney."

cisions by the civil magistrates not to enforce the terms of the jubilee land law.

Either party to the transaction could become an oppressor under this definition. The land owner might persuade the lessee to agree to a contract in which the lessee promised to make regular payments until the jubilee year was declared. If it was not declared, and the magistrates refused to allow him to escape from the terms of the contract, the lessee would find himself locked into the contract. Under some economic conditions (e.g., a long-term fall in the money price for agricultural products), this would defraud the lessee. On the other hand, the lessee might be able to get the land owner to accept a cash payment in advance for legal control over the land's production. If the jubilee land law was not enforced, the lessee would be able to extend his control over the land indefinitely. This would defraud the land owner. Conclusion: the state was the source of the opportunity for oppression.

Both parties were warned to honor the terms of the jubilee land law whether the civil magistrates did or not. God placed the primary responsibility for law enforcement on the contracting parties. He warned them both: "Honor the terms of the leasehold that I have made with Israel for control over My land."

The issue of economic oppression in this law was not the actual pricing of the factor of production: land. This decision was left to the contracting parties. Each looked at the expected future stream of income from the land. Each would apply the prevailing market discount of the price of future goods in relation to present goods to this stream of income: interest. Then they would decide what to offer each other. The agreed-upon price, however, had to take into consideration the irrevocable date for the termination of the contract: the jubilee year.

The existence of a law governing land leases in Israel testifies to the error of interpreting the Bible's prohibition against usury in charitable loans as a prohibition against all forms of interest. The decision to make a cash payment in order to acquire legal ownership of a stream of resource-generated income over a fixed period of time is identical economically to making a cash payment to buy an interest-paying bond with the same expiration date as the lease. This means that a prohibition against all interest payments must also be a prohibition against all rent payments. Yet this law establishes the legality of rent. I therefore conclude that the Bible does not prohibit interest in non-charity loans.[45]

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45. The aforementioned Mr. Mooney has yet to reply to this argument, which I also offered in *Tools of Dominion* in 1990.

There is no evidence that the jubilee laws were ever enforced in Israel. This may indicate that the jubilee laws sometimes were not enforced. Probably they were not enforced prior to the exile, for the seventh year of release was not honored, which is why God sent Israel into exile (II Chron. 36:21). Thus, every Israelite could safely assume that other laws beside the jubilee land law would govern leasehold contracts. Other civil laws would provide differing authority to magistrates to decide which leases would be honored and which would not. The magistrates of Israel arrogated authority to themselves to disobey God regarding the sabbatical year. How far could they safely be trusted to honor the terms of other laws? The opportunities for economic oppression must have increased, compared to rule by the sabbatical law and the jubilee land law, for there would have been less certainty about the enforcement of the civil law. The greater the degree of judicial uncertainty, the greater the amount of resources necessary to protect oneself: better lawyers, larger bribes, and higher expenditures on searching out information regarding the integrity of one's trading partners and also the moral integrity of their legal heirs. These were long-term lease contracts.

26

FOOD MIRACLES AND COVENANTAL PREDICTABILITY

> *Wherefore ye shall do my statutes, and keep my judgments, and do them; and ye shall dwell in the land in safety. And the land shall yield her fruit, and ye shall eat your fill, and dwell therein in safety. And if ye shall say, What shall we eat the seventh year? behold, we shall not sow, nor gather in our increase: Then I will command my blessing upon you in the sixth year, and it shall bring forth fruit for three years. And ye shall sow the eighth year, and eat yet of old fruit until the ninth year; until her fruits come in ye shall eat of the old store.*
>
> LEVITICUS 25:18–22

The theocentric meaning of this passage is that God sustains His people, and more than sustains them. He offers them plenty. They are required to acknowledge this fact by trusting His promises. They display this trust through their obedience to His law. This is an aspect of point four of the biblical covenant model: sanctions.[1]

A. Universal Benefits: Peace and Food

This passage begins with a re-statement of the familiar cause-and-effect relationship between corporate external obedience to God's covenant law and corporate external blessings. We know that the frame of reference is corporate blessings because of the use of the first person plural: "What shall *we* eat the seventh year? behold, *we* shall not sow, nor gather in our increase." In this case, the text focuses on two blessings: peace and food. "Wherefore ye shall do my statutes, and

1. Ray R. Sutton, *That You May Prosper: Dominion By Covenant*, 2nd ed. (Tyler, Texas: Institute for Christian Economics, [1987] 1992), ch. 4. Gary North, *Unconditional Surrender: God's Program for Victory*, 5th ed. (Powder Springs, Georgia: Point Five Press, 2010), ch. 4.

keep my judgments, and do them; and ye shall dwell in the land in safety. And the land shall yield her fruit, and ye shall eat your fill, and dwell therein in safety (vv. 18–19)." This is a repeated theme in the Bible. "But they shall sit every man under his vine and under his fig tree; and none shall make them afraid: for the mouth of the Lord of hosts hath spoken it" (Micah 4:4).

If this dual promise of peace and food were found only in Leviticus 25, it could be discussed as an aspect of the jubilee laws and therefore no longer in force. But the list of God's positive sanctions in Leviticus 26:3–15 indicates that this pair of positive sanctions was not uniquely tied to the jubilee. The promise of peace and food is more general than the jubilee law, since it refers to "my statutes" and "my judgments." God refers Israel back to His revealed law-order. It is their covenantal faithfulness to the stipulations of this law-order which alone serves the basis of their external prosperity. Without obedience, they can have no legitimate confidence in their earthly future in the land. This law has a broad application. It undergirds the observation by David: "I have been young, and now am old; yet have I not seen the righteous forsaken, nor his seed begging bread" (Ps. 37:25). The link between obedience to God's statutes and eating is reflected in David's observation: righteousness and the absence of begging.[2]

Why is this passage found in the jubilee statutes? Because of the unique place of both the land and the harvest in the jubilee laws. Preceding this section are laws that deal with the transfer of a family's land to the heirs: the return—legally, though not necessarily physically—of each man to his father's land (v. 13). This was *a testament of liberation*. Because of this law, there could be no permanent legal enslavement of Israelites inside the land.[3] The jubilee law also established an obligation for all leasehold contracts to be based on the jubilee year's requirement of rural land's reversion to the original family (vv. 14–17). Following the announcement of the dual blessing of

2. Gary North, *Confidence and Dominion: An Economic Commentary on Psalms* (Dallas, Georgia: Point Five Press, 2012), ch. 6.

3. The law applied to all Israelites. Aliens could become heirs of this promise through adoption, either into a family (rural) or tribe (walled city). Excommunication removed an heir from his landed inheritance. Excommunication also removed him from citizenship. This is why a excommunicant's adult sons had to break publicly with him and his rebellion in order to preserve their own inheritance. Although there is no law governing this, I presume that minor sons of an excommunicated father could inherit upon their majority at age 20 if they broke with their father publicly when they turned 20. The goal of biblical law is restoration.

peace and food is another promise: a triple crop in the sixth year of the seventh cycle of sabbatical weeks of years (vv. 20–22).

The promise of peace and food points the reader's attention to the author of the law. God is sovereign. He promises to bring them national prosperity in response to their adherence to His laws. This promise is conditional: no obedience, no prosperity. This fact of covenantal life becomes clear in the next chapter of Leviticus. In order to demonstrate the reliability of His promises on a year-to-year basis, He promised a manifestation of His supernatural sovereignty: a miracle year.

B. The Miracle Year

To the jubilee year was attached a miracle. God promised to deliver a triple crop in the sixth year of the seventh sabbatical cycle of years. "And if ye shall say, What shall we eat the seventh year? behold, we shall not sow, nor gather in our increase: Then I will command my blessing upon you in the sixth year, and it shall bring forth fruit for three years. And ye shall sow the eighth year, and eat yet of old fruit until the ninth year; until her fruits come in ye shall eat of the old store" (vv. 20–22). This triple portion was God's way of announcing His presence with His people. They would be given sufficient crops to sustain them through the sabbath year and the jubilee year. Then, at the end of the jubilee (eighth) year, they were to plant for the next year.

In the wilderness period, they had been given the almost daily miracle of the manna. The exception to this miracle was itself an even greater miracle. On the day before the sabbath, they could gather a double portion. The manna in jars would not rot on the sabbath (Ex. 16:22). On every other day of the week, any manna that was left in a jar overnight would rot (Ex. 16:20).

As I have written in my commentary on Exodus, the manna had a function beyond the mere provisioning of the people with their daily bread. It was given to them in order that they might develop confidence in God as a sovereign provider. His provision of manna was miraculous. It was also regular. They had to trust God to bring the manna the next day, for it could not be stored overnight. Then, once a week, the regularity of the miracle was manifested in a different way: the miraculous rotting of the manna miraculously ceased. They could store it overnight, so that they would not have to labor to harvest it on the sabbath. So, the miracle was to teach them about the

regularity of God's provisioning, as well as their total dependence on His grace.[4]

When they came into the land, the manna ceased forever: "And the manna ceased on the morrow after they had eaten of the old corn of the land; neither had the children of Israel manna any more; but they did eat of the fruit of the land of Canaan that year" (Josh. 5:12). The fruit of the land would henceforth sustain them. But this did not mean that they were any less dependent on God for their food. Now, however, their food would come predictably in terms of their corporate covenantal conformity to His law: the greater their obedience, the more predictable their food.

In order to remind them of their continuing need to obey Him, as the sovereign provider of food, God did not totally remove His miracles from the land. Twice per century, God promised to provide them with bread in a miraculous way: the triple crop of the sixth year in the seventh cycle of the sabbatical week of years. This would be the equivalent of manna.

C. The Self-Discipline of Thrift

In a normal cycle of seven years, the Israelites had to save enough grain over six years to get through the seventh (sabbatical) year and halfway through the eighth year, until the eighth-year crop could be harvested.[5] But this was not the case in jubilee year periods. In the sixth year would come a triple crop. That crop would feed them in the second half of year six, all of year seven (sabbatical), all of year eight (jubilee), and half way through year nine.

This means that in the six years prior to a jubilee year, farmers did not have to store up crops in order to carry themselves through the sabbatical year, the jubilee year, and half way through the ninth year until the crop came in. This triple crop was Mosaic Covenant Israel's equivalent of the manna of the wilderness: a miraculous gift from God. It was the bread of life.

In escaping the production restraints of a normal sabbatical cycle, they acknowledged their dependence on the grace of God. The thrift that was agriculturally necessary during normal sabbatical periods was not required during the jubilee's week of years. Each farm could safely consume or sell one-sixth of each year's crop during the final

4. Gary North, *Authority and Dominion: An Economic Commentary on Exodus* (Dallas, Georgia: Point Five Press, 2012), Part 1, *Representation and Dominion* (1985), ch. 18.

5. *Ibid*, Part 3, *Tools of Dominion* (1990), ch. 53:C:1.

sabbatical cycle. This income would otherwise have had to be stored or sold for cash and retained in that form in preparation for the sabbatical year. This pre-jubilee miracle would have made it possible for thrifty farmers to increase their purchase of farming tools, or make investments in urban industries, or make foreign investments. This extra marketable output of food would have tended to lower the price of food in Israel during jubilee periods, thereby stimulating the export of food to nations where food prices were higher.[6] Meanwhile, not-so-thrifty Israelites could have enjoyed more food, or else they could have sold the agricultural surplus in order to buy urban-produced consumer goods or imported consumer goods. To both the thrifty and the less thrifty, God promised six consecutive years of relief from the pressure to save for the normal sabbatical year.

To take advantage of this miraculous gift from God, the Israelites had to trust God to deliver on His promise to the nation. If they refused to save for six years in preparation for the arrival of a sabbath year of rest and the jubilee year, back to back, a refusal of God to deliver the triple crop would have created near-famine conditions by the ninth year. Many people would have been forced to sell their family lands or even sell themselves into slavery—in the very period that God set aside for the recovery of family lands and the release of bondservants. Thus, they had to exercise faith that the triple crop would arrive on schedule.

On the other hand, if God delivered on His promise, but the people then refused to honor the sabbatical year and/or the jubilee year, planting and harvesting instead, this would have constituted a misuse of the jubilee miracle. It would have constituted theft from God through the economic oppression of hired harvesters, strangers, and gleaners. It is clear from the message of Jeremiah that the nation did not honor the sabbatical years for 70 sabbatical cycles, or 490 years. This is why they were sent into captivity. "To fulfil the word of the Lord by the mouth of Jeremiah, until the land had enjoyed her sabbaths: for as long as she lay desolate she kept sabbath, to fulfil threescore and ten years" (II Chron. 36:21).

There is no unambiguous biblical record that the jubilee law was ever honored in Israel. We know that the sabbath year of release was not honored for 490 years prior to the exile. Since they did not honor the sabbath year of release, it is highly doubtful that God ever gave

6. Because of the high cost of ground transportation, these exported crops would normally have gone by boat.

them the promised triple crop in the seventh sabbatical cycle. Without the triple crop, perhaps they chose to ignore the jubilee law. The Bible does not say.

D. Miracles, Sanctions, and Mysticism

When Jesus announced His fulfillment of the jubilee year (Luke 4:18–21), He was announcing the end of the miraculous jubilee year.[7] Under the New Covenant, there is no triple crop in the sixth year of the seventh "week of years." The faith of New Covenant-keepers has been stripped of a national miracle that demonstrated the reliability of God's providential and *law-bounded* covenantal order, just as a similar faith during the wilderness era was stripped of a daily miracle when the manna ceased upon the nation's entry into Canaan. As the spiritual maturity of covenant-keepers advances, miracles steadily cease.[8]

1. Obedience and Blessings

The question arises: What about the covenantal cause-and-effect connection between corporate external obedience and corporate blessings? Are covenant-bound societies still promised peace and agricultural prosperity if they adhere to the external requirements God's revealed law? Was this annulled by Jesus in His fulfillment of the jubilee year? No. In Leviticus 26, which appears after the close of the jubilee laws, we read: "And I will give peace in the land, and ye shall lie down, and none shall make you afraid: and I will rid evil beasts out of the land, neither shall the sword go through your land" (Lev. 26:6). This recapitulation of the promise of Leviticus 25:18–19 indicates that this aspect of the jubilee law was broader than an aspect of the jubilee law. But was it a cross-boundary law? Did it apply outside the Promised Land? The recapitulation in Leviticus 26 is paralleled in Deuteronomy 28, and is mentioned as a testimony to the nations:

> The LORD shall cause thine enemies that rise up against thee to be smitten before thy face: they shall come out against thee one way, and flee before thee seven ways. The LORD shall command the blessing upon thee in thy storehouses, and in all that thou settest thine hand unto; and he shall bless

7. Gary North, *Treasure and Dominion: An Economic Commentary on Luke*, 2nd ed. (Dallas, Georgia: Point Five Press, [2000] 2012), ch. 6.

8. This has been the case in the history of Christianity. In the early church, the miracles of healing and exorcism were important in evangelism. Today, both of these gifts are far less evident in advanced industrial nations, although both still are used by some fundamentalist missionaries working in primitive societies or in societies deeply in bondage to a rival supernatural religion.

> thee in the land which the Lord thy God giveth thee. The Lord shall shalt keep establish thee an holy people unto himself, as he hath sworn unto thee, if thou the commandments of the Lord thy God, and walk in his ways. And all people of the earth shall see that thou art called by the name of the Lord; and they shall be afraid of thee (Deut. 28:7–10).

Why should they be afraid of Israel if they did not interpret the visible predictable sanctions in Israel as proof of God's unique presence with Israel? Did this fear apply only to the risks of invading Israel? Were the nations not also to fear a counter-invasion by Israel?[9] Deuteronomy 20:10–20 lists the laws of siege. These laws did not apply to Israel's invasion of Canaan, for they established legitimate terms of surrender, which were not options during the conquest. Therefore, these military laws had to apply to warfare outside the land. They were cross-boundary laws. Since Israel was to be feared by foreign nations, the corporate covenantal sanctions visible to foreigners inside the land had to be presumed by them to apply outside the land, too (Deut. 4:4–8).[10]

Without the miracle of manna or the miracle of the triple crop, New Covenant Christians are thrown back on their faith in God's revealed word. The compelling evidence of God is supposed to be God's word. This always was the case, but the miracles were added to overcome the Israelites' weakness of faith. Old Covenant believers in the wilderness had daily edible reminders of God's presence. In the Promised Land, these reminders were reduced numerically to twice per century. In the New Covenant, the miracle of food is restricted to the Lord's Supper. This miracle—co-participation in heavenly worship by the earthly church and the heavenly church—must be accepted on faith.[11]

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9. Israel was not to initiate foreign wars. The Mosaic festival laws made empire impossible. There was no permanent payoff in launching foreign wars because of the distance of foreign nations from the central city where sacrifices were offered.

10. Gary North, *Inheritance and Dominion: An Economic Commentary on Deuteronomy*, 2nd ed. (Dallas, Georgia: Point Five Press, [1999] 2012), ch. 8.

11. New Covenant Christians have gone in three directions to explain this miracle. Roman Catholics have turned to philosophical realism: the literal, bodily presence of Christ in the sacrament. The Lutherans also are realists, defending the body and blood of Christ as being substantially present: Formula of Concord (1576), Art. VII, Sections 1, 2. Anabaptists have adopted nominalism: the Lord's Supper as a mere memorial. The biblical view is neither realism nor nominalism but covenantalism: God's special *judicial presence* in the eating of the meal. It is a meal eaten on the Lord's Day, or Day of the Lord, or judgment day.

2. Covenantal Predictability

Has God reduced His covenantal predictability in history along with His reduction of miracles? For instance, does it take longer today than it did in Mosaic Israel for God to bring his negative sanctions in history? No evidence that I am aware of suggests this. Sometimes, the negative sanctions came soon. God was angry with Israel, so He moved David to take an illegal holy census (I Sam. 24:1).[12] David's sin in numbering the nation brought an immediate plague on 70,000 people (II Sam. 24:15). Rapid judgment was the threat that Nineveh faced; the nation therefore repented. Covenant-breakers outside the land understood the cause-and-effect connection between corporate sin and God's wrath in history. In other cases, judgment was delayed for centuries. In Mosaic Israel, the nation violated the sabbatical year laws for centuries. Not until Jeremiah's day were they told that God would soon bring His corporate wrath against the nation for this long-term act of rebellion by sending them into captivity (I Chron. 36:21).

While miracles steadily disappear, the covenantal promise of God's predictable corporate sanctions remain in place. If this were not the case, the sanctions aspect of the Lord's Supper (I Cor. 11:30) would be transferred completely out of history. While a man's verbal oath and the physical sacraments are part of history, the oath is taken under God, who is in eternity. Some of the personal sanctions are both predictable and eternal, but corporate negative sanctions are exclusively historical (no sin beyond the resurrection). On what exegetical basis can the sacrament's sanctions be said to be predictable only outside of history and apply only to individuals?

This raises the question of civil oaths. Nations take oaths (Ex. 19). Are these oaths enforced exclusively by men rather than God? Political pluralists are logically compelled to answer *yes*: no God enforces corporate civil oaths with covenantally predictable historical sanctions invoked by the oaths. If pluralists were to answer *no*, thereby affirming God's predictable, corporate, covenantal, historical sanctions, they would have to abandon their pluralism. Their religion forbids them to answer otherwise: no supernatural frame of reference for civil oaths.

If God's predictable, corporate, covenantal sanctions in history were to disappear, just as predictable corporate miracles such as manna and the triple crop have disappeared, Christianity would nec-

12. The census was to be taken prior to holy war (Deut. 20).

essarily be progressively absorbed into the larger covenant-breaking culture. Whatever regularity in corporate sanctions that might be said to exist in history would be based on shared, universal categories of social and political ethics, e.g., natural law theory. There would be no way for the kingdom of God to manifest its presence among men except through the verbal testimony of individuals regarding totally invisible, subjectively discerned patterns of predictability, e.g., "I feel all tingly when I pray." For those people who have no desire to feel tingly, or who are content to take niacinamide whenever they want to feel tingly, such verbal testimony carries no weight. Christian culture could be differentiated from pagan culture only through the personal mysticism of its members. But mysticism is inherently without theological and judicial content—beyond the realm of creeds and intellectual categories. So-called Christian mysticism cannot be distinguished judicially from pagan mysticism. In short, if neither revelational ethics and its attached sanctions nor miracles identify the historical presence of the kingdom of God, the institutional church ceases to have a role to play in history that is visibly different from any other charitable or salvationist organization. This lack of distinction overtook most evangelical churches in the twentieth century. Christianity is regarded by covenant-breakers as just one more ameliorative-mystical tradition among thousands.

The way to restore the church to its position as society's central institution is to preach a separate biblical worldview based on biblical law and biblical sanctions. The other avenue for distinguishing the church from the world—the quest for miracles or continuing revelation—in the twentieth century became the differentiating mark of pentecostals and charismatics.[13] The third path is mysticism.

Covenantal corporate predictability in history is mandatory if Christians are to reconstruct social theory. If such regularity did not exist in New Covenant history, then society could not be reformed on a uniquely Christian basis. The church would then seek to avoid social transformation. It would retreat from the world (discontinuity) or conform itself to the world (continuity). It would become either fundamentalist-mystical or liberal. This is generally what happened in the United States, 1900–1975. As Rushdoony said, the fundamentalists believe in God but not in history, while the liberals believe in history but not in God. In either case, the world is abandoned to the covenantal representatives of Satan. There is no neutrality.

13. Katherine Kulhman, *I Believe in Miracles* (New York: Pyramid Books, [1962] 1964).

E. Miracles of Feeding

The law of God is given to all men so that they will learn to obey the God of the Bible. If they live in societies that are marked by widespread obedience to the external laws of God, they will experience widespread external blessings, among which are peace and food.

To prove that this promise can be trusted, God on occasion has established *miracles of feeding*. The first time was in the wilderness period: the manna. When they entered the Promised Land, they initially lived off the crops of their defeated enemies. Then, as they began to plant and reap, they were to become thrifty: saving, not for a rainy day, but for the sabbatical year. But in the seventh cycle of sabbatical years, God promised to give them a miracle: the triple crop of the sixth year. This was to allow them to save for six years and not be forced to consume their savings in the seventh and eighth, or consume what would normally have been saved for six years and not be penalized for their consumption.[14]

The triple crop was also to remind them that God's blessings are predictable in history. It would remind them that the source of their prosperity was not thrift as such, but thrift within the framework of God's covenant. They were warned not to draw a false conclusion, one based on the humanist presupposition of the autonomy of man: "And thou say in thine heart, My power and the might of mine hand hath gotten me this wealth. But thou shalt remember the LORD thy God: for it is he that giveth thee power to get wealth, that he may establish his covenant which he sware unto thy fathers, as it is this day" (Deut. 8:17–18).[15] Covenantal blessings are given to confirm the covenant.

Conclusion

The miracle of the triple crop was promised to Israel in order to confirm visibly: (1) the sovereignty of God over nature; (2) the predictability of God's covenant-based blessings in history. The Israelites were not to capitulate to the temptation of worshipping another god, either a god of nature or a god of history—the only two kinds of idols available to covenant-breaking man.[16]

14. The prophets used the miracle of feeding on numerous occasions. The pagan widow of Zerephath had two containers that filled daily, one with oil and the other with meal, when Elijah lived in her home (I Kings 17:14–15). In the New Testament, Jesus used the miracle of feeding on two occasions.

15. North, *Inheritance and Dominion*, ch. 22.

16. Herbert Schlossberg, *Idols for Destruction: Christian Faith and Its Confrontation with American Society* (Westchester, Illinois: Crossway, [1983] 1993), p. 11.

Modern covenant-breaking man denies the miracles. He wishes to divinize either nature or history or both (Darwinism). To do this, he must deny all traces of God's authority over nature and history. Modern man has chosen evolution as his god, meaning his source of law. Evolution is said to govern both nature and historical process. Evolution is regarded as impersonal except when man, meaning elite men, learns the secrets of evolution and then directs both nature and history.[17] A major appeal of evolution is power.

Modern Christians reject evolution in its humanist form. They insist that God is still sovereign over history, although Augustinians and Calvinists alone insist that God predestines everything that comes to pass in history. There are virtually no visible traces of Catholic Augustinianism and very few traces of Calvinism. Furthermore, most modern Calvinists have explicitly or implicitly denied the existence of covenantal predictability in New Covenant times. They openly reject the idea of a national civil covenant under God. They are political pluralists.[18] They do not believe that God brings predictable corporate sanctions, positive or negative, in terms of a nation's obedience to God's Bible-revealed law.[19]

This belief leaves them without any miracles with which to challenge humanists and other covenant-breakers. This belief also provides them with a theological explanation for the seeming helplessness of Christianity to transform culture by establishing the civilization of God in history: God's kingdom. This in turn creates a deep psychological need to find personal solace in the midst of inevitable cultural defeat: pietistic ecclesiastical ghettos. Finally, their widespread acceptance of life in these ghettos has led to the development of ghetto eschatologies.[20]

Without a concept of God's covenant in history, Christians have not been able to develop an explicitly Christian social theory. They have relied on imported pagan natural law concepts to develop what few social ideas they possess. All of this has been the product of the widespread acceptance of the original theological assumption,

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17. Gary North, *Sovereignty and Dominion: An Economic Commentary on Genesis* (Dallas, Georgia: Point Five Press, [1982] 2012), Appendix A.

18. Gary North, *Political Polytheism: The Myth of Pluralism* (Tyler, Texas: Institute for Christian Economics, 1989), chaps. 3–5.

19. Gary North, *Millennialism and Social Theory* (Tyler, Texas: Institute for Christian Economics, 1990), ch. 7.

20. Gary North, "Ghetto Eschatologies," *Biblical Economics Today*, XIV (April/ May 1992).

namely, that God in the New Covenant era has annulled the covenantal predictability of Leviticus 26 and Deuteronomy 28. With neither widespread faith in the miracle of covenantal predictability nor the presence of earlier covenantal miracles of food and healing, modern Christians have become almost totally defensive in their thinking. Ideas have consequences.

27

THE RIGHT OF REDEMPTION

> *The land shall not be sold for ever: for the land is mine; for ye are strangers and sojourners with me. And in all the land of your possession ye shall grant a redemption for the land.*
>
> LEVITICUS 25:23–24

We begin with a theocentric analysis of this passage. This passage has to do with inheritance: point five of the biblical covenant.[1]

The prohibition against the permanent sale of rural land was connected to the nation's judicial status as strangers and sojourners with God. What did this mean? God began to dwell in the land of Israel when the conquest began, i.e., after the nation had crossed Canaan's border. This means that He lived among them *judicially*. He did not take up residence with them physically. His unique judicial presence in the land was marked physically by the presence of the two tablets of the law inside the Ark of the Covenant. Even this testimony had to be taken on faith; no one was allowed to look inside the Ark. When this law was violated by the men of Bethshemesh, God killed 50,070 of them (I Sam. 6:19). Negative corporate sanctions came immediately after God allowed the corporate infraction to take place.[2]

1. Ray R. Sutton, *That You May Prosper: Dominion By Covenant*, 2nd ed. (Tyler, Texas: Institute for Christian Economics, [1987] 1992), ch. 5. Gary North, *Unconditional Surrender: God's Program for Victory*, 5th ed. (Powder Springs, Georgia: American Vision, [1988] 2010], ch. 5.

2. Had the first three or four people who looked inside the Ark immediately been stricken with leprosy, as Miriam was stricken in the wilderness (Num. 12:10), the infraction would have ceased.

A. Covenantal Inheritance

This law identified the Israelites as strangers and sojourners with God. The meaning here is "strangers from the world in the land." This was in contrast to strangers and sojourners who might come into the land. These would become strangers and sojourners in the land, but without God, i.e., not members of an Israelite family.

To be a stranger and sojourner with God under the Mosaic Covenant had a specific judicial meaning: one's heirs would inherit a portion of a particular plot of land in Israel. To inherit, a person had to be a member of an Israelite family that had participated in the conquest. The Israelites' righteous shedding of the blood of that generation of Canaanites had been a covenant sign for Israel. No one who was not biologically or judicially (through adoption) an heir to one of those families that had participated in that original ritual sacrifice could own rural land on a permanent basis in Israel until the law was changed by God after the exile (Ezek. 47:21–23).[3]

The special judicial presence of God among them had been manifested historically to Israel by the genocide of the Canaanites. God had used His people—a royal priesthood (Ex. 19:6)[4]—to bring negative historical sanctions against His enemies. They had served in a holy army. They had inherited the land of God's enemies. This was *inheritance through corporate execution*. Their landed inheritance began with their obedience in committing genocide.[5] It ended with their national disinheritance at the fall of Jerusalem in A.D. 70.

To be a covenantal stranger with God meant that you possessed permanent legal title to a plot of land. This land could not be permanently alienated. Title could not be legally transferred to another family by a leaseholder in any generation. God held original title;

3. Gary North, *Restoration and Dominion: An Economic Commentary on the Prophets* (Dallas, Georgia: Point Five Press, 2012), ch. 22.

4. Gary North, *Authority and Dominion: An Economic Commentary on Exodus* (Dallas, Georgia: Point Five Press, 2012), Part 1, *Representation and Dominion*, ch. 20.

5. None of this is visible in W. Brueggemann's book, *The Land* (London: SPCK, 1978). He wrote the following: "But Israel's Torah is markedly uninterested in a religion of obedience as such. It is rather interested in care for land…" (p. 60). Thus, he interprets the Mosaic law's universally acknowledged concern for ethics as a concern for ecology. You would be hard-pressed to find any interpretation of the Pentateuch more bizarre and misleading than this one. Then he quotes Joshua 1:7–8, God's command to be strong and courageous in the conquest of the land. Concludes Brueggemann: "The rhetoric is peculiar because it is an imperative to martial bravery and courage. But what is asked is not courage to destroy enemies, but courage to keep Torah" (p. 60). It is not the Bible's rhetoric that is peculiar. What is peculiar is Prof. Brueggemann's hermeneutic.

families held secondary title. This was a guarantee to Israel: for as long as the nation remained obedient to God, its original families would not be disinherited. There was only one way for corporate disinheritance to take place: *God's public execution of the nation of Israel*. "And it shall be, if thou do at all forget the Lord thy God, and walk after other gods, and serve them, and worship them, I testify against you this day that ye shall surely perish. As the nations which the Lord destroyeth before your face, so shall ye perish; because ye would not be obedient unto the voice of the Lord your God" (Deut. 8:19–20).[6] This took place at the fall of Jerusalem in A.D. 70.[7] The inheritance was transferred to another corporate people, just as Jesus had promised: "Therefore say I unto you, The kingdom of God shall be taken from you, and given to a nation bringing forth the fruits thereof" (Matt. 21:43). This was God's act of *covenantal execution*, not literal execution.

B. Redemption on Demand

Why would an Israelite have voluntarily leased out his land? The obvious reason was that the owner believed that he had better uses for the money than for the land. Perhaps he preferred to live in a city. Perhaps he was involved in commerce and wanted capital. Perhaps he was involved in some infraction that required an immediate payment to a victim.

An involuntary lease was used to raise money to pay off debts: victims of crimes or lenders in some business transaction in which the land had been used as collateral. The repayment of interest-free charitable loans was not governed by the jubilee law but by the more frequent sabbatical year law (Deut. 15:1–10). Charitable debts were cancelled every seventh year. But charitable loans were not collateralized by land; they were collateralized by the debtor's willingness to go into bondage for up to six years, should he default.[8]

The existence of an interest payment in a loan agreement identified the loan as non-charitable, non-compulsory, and therefore more risky for the debtor, for the sabbatical year of release (Deut. 15:7–10) did not apply to business loans. The man who began as a poor man

6. Gary North, *Inheritance and Dominion: An Economic Commentary on Deuteronomy*, 2nd ed. (Dallas, Georgia: Point Five Press, [1999] 2012), ch. 23.

7. David Chilton, *The Days of Vengeance: An Exposition of the Book of Revelation* (Ft. Worth, Texas: Dominion Press, 1987).

8. North, *Inheritance and Dominion*, ch. 36.

when he borrowed money in an emergency did not put his land on the line, assuming that he still owned any land. In contrast, the man who became a poor man after going into debt in order to finance a business venture or a consumer purchase did have to forfeit his land if his land was the collateral he had agreed to provide the lender.

The jubilee law specified that the collateral could be redeemed at any time. The lender who had repossessed the collateral of the family's inheritance was permitted to use it as a productive asset until one of two things took place: (1) the jubilee year began; (2) the poor man or his kinsman-redeemer paid back the principal.

> If thy brother be waxen poor, and hath sold away some of his possession, and if any of his kin come to redeem it, then shall he redeem that which his brother sold. And if the man have none to redeem it, and himself be able to redeem it; Then let him count the years of the sale thereof, and restore the overplus unto the man to whom he sold it; that he may return unto his possession. But if he be not able to restore it to him, then that which is sold shall remain in the hand of him that hath bought it until the year of jubile: and in the jubile it shall go out, and he shall return unto his possession (Lev. 25:25–28).

C. The Kinsman-Redeemer

The person who is identified in Leviticus 25 as the person with the authority to buy back a poor man's land is the kinsman (Lev. 25:25–26). The same root word in Hebrew is used for the verb for purchasing: "And if it be not redeemed within the space of a full year, then the house that is in the walled city shall be established for ever to him that bought it throughout his generations: it shall not go out in the jubile" (Lev. 25:30). "And if a man purchase of the Levites, then the house that was sold, and the city of his possession, shall go out in the year of jubile: for the houses of the cities of the Levites are their possession among the children of Israel" (Lev. 25:33).

1. A Messianic Model

The office of kinsman-redeemer was based on a messianic model: "Yea, all kings shall fall down before him: all nations shall serve him. For he shall deliver the needy when he crieth; the poor also, and him that hath no helper. He shall spare the poor and needy, and shall save the souls of the needy. He shall redeem their soul from deceit and violence: and precious shall their blood be in his sight" (Ps. 72:11–14). The kinsman-redeemer was the same office as the blood-avenger, the

go'el (sometimes transliterated as *ga'awl*). "But if the man have no kinsman [*go'el*] to recompense the trespass unto, let the trespass be recompensed unto the Lord, even to the priest; beside the ram of the atonement, whereby an atonement shall be made for him" (Num. 5:8). "The revenger of blood [*go'el*] himself shall slay the murderer: when he meeteth him, he shall slay him" (Num. 35:19). God identified Himself as Israel's kinsman-redeemer: "Wherefore say unto the children of Israel, I am the Lord, and I will bring you out from under the burdens of the Egyptians, and I will rid you out of their bondage, and I will redeem [*go'el*] you with a stretched out arm, and with great judgments" (Ex. 6:6).

The blood avenger was the nearest of kin. He had the responsibility of pursuing and then slaying anyone suspected of having murdered his kinsman. The cities of refuge were built in order to provide a place for suspected murderers to flee. The city of refuge was a legal boundary into which the authority of a blood avenger from outside the city did not extend. "And they shall be unto you cities for refuge from the avenger; that the manslayer die not, until he stand before the congregation in judgment" (Num. 35:12). Outside the boundaries of a city of refuge, "The revenger of blood himself shall slay the murderer: when he meeteth him, he shall slay him" (Num. 35:19). After a trial in the city, a man convicted of murder (as distinguished from accidental manslaughter) was placed outside the city, to be executed by the blood avenger (Num. 35:25). A man convicted of accidental manslaughter could lawfully be killed by the blood-avenger at any time outside the city of refuge, until the high priest died. Here the language of release is the same as the language of the jubilee year: returning to the family's land: "Because he should have remained in the city of his refuge until the death of the high priest: but after the death of the high priest the slayer shall return into the land of his possession" (Num. 35:28).

In the captivity of Israel, God acted as their kinsman: "Go ye forth of Babylon, flee ye from the Chaldeans, with a voice of singing declare ye, tell this, utter it even to the end of the earth; say ye, The Lord hath redeemed his servant Jacob" (Isa. 48:20). In doing so, God acted as blood-avenger: "And I will feed them that oppress thee with their own flesh; and they shall be drunken with their own blood, as with sweet wine: and all flesh shall know that I the Lord am thy Saviour and thy Redeemer, the mighty One of Jacob" (Isa. 49:26).

2. Why Redeem Another Man's Land or Person?

The kinsman-redeemer was the agent authorized by God to buy back the property of a close relative. The question is: What was the benefit for him? Why would any relative do this? It would have been a major capital outlay unless the jubilee was near. David Daube offered a plausible explanation: the kinsman-redeemer bought the use of the land for himself until the jubilee year or until his relative could purchase the land from him, whichever came first. In other words, the kinsman-redeemer became the new master of the property.[9]

It was also a benefit to the original owner when his kinsman-redeemer leased back the property. First, the land would probably be taken care of more carefully by a relative, i.e., there would be less "strip mining" of its productivity. Second, the kinsman-redeemer might be willing to allow him to work the land as a sharecropper. The original owner would come under the authority of a relative rather than a stranger. The relative might treat him better; he, in turn, would have family pressures on him to perform more efficiently as a caretaker. These are economic arguments. Third, the land would remain in the family—an important aspect of family authority in Israel. This is a social factor rather than economic: a matter of status. It was an embarrassment for a family to have an insolvent member in its midst. This was a way for the family to demonstrate its willingness to "care for its own."

The text does not indicate that the land had to be returned immediately to the original owner. The economics of the case does indicate that without the kinsman-redeemer's right to use the land for his own benefit until either the jubilee or the land's redemption by the relative, there would have been little likelihood that this law would have been honored in practice.

The same principle of transferred authority applied also to the redemption of an Israelite brother from servitude in the household of a resident alien. "And if a sojourner or stranger wax rich by thee, and thy brother that dwelleth by him wax poor, and sell himself unto the stranger or sojourner by thee, or to the stock of the stranger's family: After that he is sold he may be redeemed again; one of his brethren may redeem him" (Lev. 25:47–48). Better to be a servant in the household of a relative than in the household of a foreigner. Better to be

9. David Daube, *The New Testament and Rabbinic Judaism* (1956), p. 272, cited in Donald A. Leggett, *The Levirate and Goel Institutions in the Old Testament: With Special Attention to Ruth* (Cherry Hill, New Jersey: Mack, 1974), p. 93.

under the temporary authority of a covenant-keeper with sufficient money to redeem you than under the authority of a covenant-breaker. But the poverty-stricken man had still fallen into poverty. He was still stricken. The best way to return him to full productivity was to train him in the ways of productivity. The necessary hierarchy of master and servant was not broken by this form of redemption. The poor man still had to learn the techniques of serving the consumer. He needed an intermediary to teach him these techniques: his more prosperous kinsman-redeemer.

When God redeems us, He does not turn us loose to do whatever we want; He becomes our new master. The standard antinomian refrain—"We're under grace, not law"—is incorrect. Men in history are always under both grace and law. The question is: Which kind of grace and which kind of law? Every society has laws and sanctions. Non-biblical laws and sanctions are an aspect of common grace; biblical laws and sanctions are an aspect of special grace.[10] Without grace, there would be social chaos: hell's down payment ("earnest") in history. If there were no predictable covenantal sanctions in history for obedience and disobedience, there could be no social predictability. We would then live in moral and social chaos. The greater the chaos, the less social order.

Man's autonomy is never a valid theoretical option. God remains the original owner of us and our property. This fact receives confirmation every time someone dies. The old question—"How much did he leave behind?"—is always answered: "All of it." Men are inescapably stewards of God's property.[11] The question is: Who should teach us the principles and practices of responsible stewardship? The jubilee law made this plain: the kinsman-redeemer, the Israelite family's agent of redemption and judgment. Only when the jubilee land laws ended with the establishment of a New Covenant did this system of family redemption and training end.

D. Walled Cities

The law of redemption applied inside the walled cities of Israel in a different way: the seller or his kinsman had only one year to redeem a

10. Gary North, *Dominion and Common Grace: The Biblical Basis of Progress* (Tyler, Texas: Institute for Christian Economics, 1987), ch. 5.

11. Remove God from theology, and death points to another principle of ownership: the land owns man. The land stays; men depart. Man becomes a steward *for* the land, not *of* the land. This is the view of the radical ecological activist groups.

home (dwelling place). Once this year had passed, the buyer became a permanent owner. "And if a man sell a dwelling house in a walled city, then he may redeem it within a whole year after it is sold; within a full year may he redeem it. And if it be not redeemed within the space of a full year, then the house that is in the walled city shall be established for ever to him that bought it throughout his generations: it shall not go out in the jubile" (Lev. 25:29–30). Notice: this law applied only to homes. It did not apply to other kinds of urban real estate. Only a residence was protected by the year of grace. Title to other real estate passed at the time of sale. Title to urban real estate was *alienable*: for sale to aliens.

1. The Right of Redemption

Outside the boundary of the wall, the Israelite's right of redemption was universal, bounded by a 50-year limit. "But the houses of the villages which have no wall round about them shall be counted as the fields of the country: they may be redeemed, and they shall go out in the jubile" (v. 31).

Was it legal for subsequent generations to build walls around unwalled cities? Yes. Would this new wall have changed the legal status of the heirs of the original families? No. An unwalled city of Joshua's day, with the exception of the cities of the Levites, came under the jubilee's rural land law. The inheritance left by the original generation could never be alienated by contract.[12] The inheritance could only be alienated by God, through corporate covenantal execution. So, a wall could be built for the sake of military defense, but this would not have changed the legal status of the heirs of the original families. No alteration of the inheritance of the original families was allowed; the defensive wall was not a judicial wall.

Citizenship could not be revoked for any reason other than excommunication. This means that the priests, through their delegated authority to the Levites, could alone revoke citizenship. This is the mark of a biblical civil order. The civil order does not autonomously establish or enforce the criteria of citizenship. Citizenship is creedal, and the church enforces the content of the creed. A biblical civil order cannot become autonomous; biblical political theory reflects this fact.

12. Rabbinical opinion was that only the walled cities in the era of Joshua's conquest were exempted from the jubilee rural land law. *Arakhin* 9:6; *The Mishnah*, trans. Herbert Danby (New York: Oxford University Press, [1933] 1987), p. 553.

Any Israelite family would have had the right to participate in the distribution of rural land. This would have been that family's permanent inheritance. Who would have chosen to live in a walled city in the era of the conquest? Urban residents would then have been made up of the following: (1) land-owning Israelites who became absentee landlords; (2) permanent resident aliens who had been adopted into the tribe of a city; (3) permanent resident aliens who had not been adopted by an Israelite family or tribe; (4) traders who would reside there relatively briefly; (5) Levites who were not residents of a Levitical city; (6) soldiers or other officials from the central government; (7) Israelites who had been excommunicated (i.e., circumcised strangers: *nok-ree*); (8) convicted Israelite criminals who had been sold into servitude to someone in a walled city.[13]

2. One Year's Grace

The period of redemption was limited to one year. Why? Again, nothing explicit is said about this. We have to deduce reasons from our knowledge of the Bible and our knowledge of men's motivations.

The idea of a period of grace applied only to the seller of the house. The seller's interests were defended by this law. The buyer remained uncertain for a year. He did not know if he could remain in his new house; it could be redeemed at any time. Perhaps he left his previous house empty, forfeiting rental income. Perhaps he subleased it to someone for a year. If the buyer of the new house was evicted before the sublease on his original residence had expired, he had to find temporary living quarters under difficult circumstances: rapid eviction. Such a threat of eviction would have raised the price of a move in pre-exilic Mosaic Israel. The more numerous the buyer's possessions, the more expensive the move. In the words of a modern proverb: "Two moves equal one fire." Each transfer of ownership of a

13. The Bible does not say whether convicted criminals were part of the jubilee land law's primary benefit: a judicial return to the family's land, i.e., liberation from bondage. This would have meant freedom for all criminals in the jubilee year. This, in turn, would have created a subsidy to crime as the jubilee year approached: a conviction would not have led to a high price for his sale into bondage, since the time of potential servitude was steadily shrinking. The victims would have been short-changed. Because God defends the victim, it seems safe to conclude that there were two exceptions to the jubilee law of liberation: the apostate who had forfeited his inheritance and the criminal who was still under the requirement to pay off his victims or the person who bought him, with the purchase price going to the victims. This conclusion follows from two general principles of biblical law: (1) God does not subsidize evil; (2) victim's rights. If this is correct, then the criminal who was released from bondage would have had to wait until the next jubilee year to reclaim his land.

house in a walled city would have tended to go to a richer person than the one who was selling it. Why? Because wealthy people could more easily have borne the risks of eviction. The existing owner probably had a greater "need to sell" than the buyer had a "need to buy."[14]

Why would anyone have sold? A business setback is one obvious reason, especially if the business involved debt. The Bible teaches that the debtor is servant to the lender: "The rich ruleth over the poor, and the borrower is servant to the lender" (Prov. 22:7).[15] The Bible discourages servitude, which is why the jubilee law existed: God's redemption of His servants as their kinsman-redeemer—the owner of all the land—by mandating their right to return to their ancestral plots.

In walled cities, however, this redemption process did not exist, except for the one-year grace period. In the case of loans collateralized by homes, there were greater incentives to lend in walled cities than in rural areas, and greater risks for borrowing. A person who took a loan secured by the collateral of his rural inheritance knew that the closer the year of jubilee came, the less money he could expect to borrow against his collateral. The lender would lose whatever net income the land might produce in the year beyond the jubilee. He would be allowed to keep all of the triple crop in the sixth year, but in the seventh he could not farm it. In the eighth year, he lost it. In contrast, an urban dweller knew that if he went bankrupt, he would have only one year to raise enough cash to redeem his house. After that, it was lost forever unless he could persuade the buyer to sell it back—unlikely at the price he had been paid: the value of the loan. Thus, his risk was comparatively much greater that he would lose his urban inheritance than his rural.

In walled cities, the Israelites would experience the continual temptations of debt: rich resident aliens enthusiastic to lend money, hoping that the debtor would default. This would be a comparatively easy way to buy up property in urban Israel. If the loan was repaid, the lender received his normal *urban* rate of return.[16] If the loan was not repaid, he received a revocable lease on the house plus the possibility of permanent possession one year after the original owner

14. The concept of *need*, beyond mere physical survival, should never be discussed apart from the question of price.

15. Gary North, *Wisdom and Dominion: An Economic Commentary on Proverbs*, 2nd ed. (Dallas, Georgia: Point Five Press, [2007] 2012), ch. 67.

16. The rate of interest in walled cities would have tended to be lower than elsewhere in Israel: better collateral, with more rich people seeking to lend money.

transferred title. This would have been the preferred way for wealthy aliens to give their heirs a permanent stake in Israelite society.

Any Israelite who borrowed significant sums on these terms would have been either a "high roller"—a person willing to bear a lot of risk—or a very present-oriented consumer, like the prodigal son in Jesus' parable. A very confident entrepreneur might think he had a unique opportunity, probably connected to an invention or trade. He might be willing to risk his inheritance for the capital to develop it. But a less risk-oriented person would have preferred invested capital—selling a share of ownership—to debt financing.

This limit of one year on the right to redeem an urban house would have channeled urban investment into higher-risk debt ventures or moderate-risk joint ventures. A resident alien (or anyone else) who was looking for a permanent home to buy in Israel would have sought out (advertised for) Israelites who were willing to accept debt financing for high-risk projects that other investors had already shunned. The lender's offer would have amounted to this: "Win, and I win with you; lose, and you're out in the cold. I won't be."

The text does not speak of a deferred payment, i.e., a mortgage beyond one year. The right of redemption was one year. There is no indication that this meant anything except one year from the time that the transfer of ownership took place. Ownership is a judicial concept: the identification of the legally responsible agent. The owner has the right to disown the property.

Could there have been home mortgages under such a legal system? Yes, but the original owner had only one year to reclaim his property unless the buyer subsequently defaulted on his payments. He would have had to repay to the new buyer whatever the new buyer had paid him during the interim. The purchaser had to forfeit the use of the item or money that he used to buy the house. This is what the seller owed him if the former wanted to reclaim the house.

3. A Stake in Society

No explicit reason is provided in the Bible to explain this judicial difference: wall vs. no wall. The judicial boundary established by the city's wall provided an exemption from the jubilee land law after 12 months.[17] Inheritance there was based on secondary purchase rather than original conquest. It was based on economics rather than eccle-

17. Though not interest-free: see above. There is no escape from the phenomenon of interest: a discount of future goods as against those same goods in the present.

siastical confession. This made possible a place for resident aliens or post-conquest converts to the faith to gain what is sometimes called a stake in society. A stake is a marker that establishes the edge of a boundary in land, but it is used here more broadly: a permanent residence or a permanent possession of value that is tied to a specific place. A stake in society is therefore a *legal claim*, something that at some price is worth defending, either in a court or on a battlefield.

Would resident aliens have been required to fight to defend the city? Not unless they were citizens. They did not possess membership in an Israelite family. The military numbering process would not have touched them (Ex. 30). Presumably they could volunteer, but only if they professed the required national confession of faith, the *shamaw Israel*: "Hear, O Israel: The LORD our God is one LORD" (Deut. 6:4). There were many instances of foreign soldiers in Israel's holy army, Uriah the Hittite being the most famous. Citizenship was probably a reward granted to circumcised resident aliens who volunteered for military service. If you could be legally numbered, you were a citizen; conversely, if you could not legally be numbered, you were not a citizen.[18]

Was confession, circumcision, and eligibility for service in the Lord's army sufficient to establish an inheritable claim of citizenship? Yes. Was this citizenship inalienable? Yes. Citizenship was covenantal. Covenantal inheritance was by confession, circumcision, and eligibility to bring sanctions: as a holy warrior and therefore as a judge.[19] Once a citizen of Israel, a person could not become a permanent bondservant under Mosaic law.

4. Post-Exilic Israel

This raises an extremely important point: the alteration of land ownership after the exile. Ezekiel prophesied that after Israel's return from exile, strangers in the land would participate in a second division of the land by lot. These strangers would gain permanent possession in the land. Strangers who resided within the jurisdiction of a particular tribe at the time of the reclaiming of the land by that tribe would become part of a new land allocation (Ezek. 47:21–23). They could not be disinherited. But if that was true, then they could not be enslaved.

18. Chapter 29:H.

19. Deborah, a prophetess, also served as a judge (Jud. 4:4). She served functionally as a holy warrior: senior in command (Jud. 4:8). As the sanctions-bringer against Sisera, Jael also served as a holy warrior (v. 22). Neither was circumcised, but both were under legal authority of circumcised males: husbands.

There is no indication that the jubilee's heathen-slave law was annulled after the exile. Jesus announced His ministry in terms of jubilee liberation (Luke 4:18–21).[20] This assertion rested on the continuing authority of the jubilee slave law. That aspect of the jubilee was related to family inheritance, not the original distribution of land under Joshua. But a new land allocation would free participating heathen families from any threat of inter-generational bondage. Those who resided in the land at the time of the return could not lawfully be enslaved.

This was the source of the lawful continuing presence of Samaritans in the land. These foreigners had been brought into the Northern Kingdom by the Assyrians to replace the captive Israelites. The returning Israelites were not authorized to kill or exile these people. There would never again be a lawful program of genocide to establish original title in Israel. Rather, the resident alien at the return would receive an inheritable grant of rural land. The worship of Canaanite gods and religion never reappeared. The gods of Canaan had been gods of the land, meaning gods of the city-state. Those gods were no longer relevant in a nation under the authority of Medo-Persia, then Hellenism, and finally Rome. In contrast, Persian dualism, Hellenism, and Talmudism were not bound by geography. These became the main threats to biblical orthodoxy.

The returning Israelites took centuries to reconquer the land. The reconquest was never completed, nor was Mosaic civil authority ever re-established. The tribes did not re-establish their original borders, nor were they ever again free from foreign civil rule. But the Jews did come close to re-establishing their pre-exilic political power and national boundaries in the decades prior to Rome's invasion, which led non-Jewish inhabitants of Palestine to welcome the Romans.[21] Because the physical boundaries of the Promised Land had been breached during the exile, never to be healed, and because the pre-exilic judicial boundaries were never again established, the original land distribution of the era of the conquest lost its judicial relevance. Israelite citizenship therefore lost most of its judicial relevance except during periods of civil revolt. Confession, circumcision,

20. Gary North, *Treasure and Dominion: An Economic Commentary on Luke*, 2nd ed. (Dallas, Georgia: Point Five Press, [2000] 2012), ch. 6.

21. The one city that refused to submit to the Jews was Pella. W. H. C. Frend, *The Rise of Christianity* (Philadelphia: Fortress, 1984), p. 19. It was to Pella, located beyond the Jordan, that the Jerusalem church supposedly fled just before the siege of the city by Rome in A.D. 69. Eusebius, *Ecclesiastical History*, III:V.

and adoption remained the basis of this much-reduced citizenship. God's holy army had ceased to exist.

5. Urban Citizenship

Ammonites and Moabites could become members of the congregation after 10 generations (Deut. 23:3). This was citizenship, for the same 10-generation limit applied also to Israelite bastards (Deut. 23:2). The question is: Where would these new citizens have exercised their judicial powers? I think it must have been inside walled cities. The cities were tribal affairs. They had been parcelled out to the tribes under Joshua (Josh. 13:23–32; 15). Citizenship in a city must have been tribal. But judges in cities probably resided in those cities. Local urban residents possessed knowledge of local affairs.

The question is: Was real estate ownership required to be an urban citizen? Did an urban resident lose his citizenship if he lost ownership of his home? That could happen in one year. Was the threat of disenfranchisement hanging over the head of every urban real estate owner who did not have an inheritance in rural Israel? The Bible does not say. Any answer is speculative. But since lawful participation in holy warfare seems to be the best way to define the mark of citizenship, my conclusion is that aliens could become eligible for citizenship as adopted members of the tribes governing walled cities. Citizenship did not require the ownership of a home in a walled city. Urban citizenship was by confession, circumcision, and eligibility for holy war. It was not based on landed inheritance.

For an alien to become a citizen in Israel meant that he became a free man. Israelites were not allowed to own Israelite slaves as inheritable property (Lev. 25:46b). By becoming a citizen, the alien permanently established his legal claim as an Israelite.

This raises the question of access to citizenship. Deuteronomy 23 is the main section dealing with this. The context is that of an outsider wanting in. Deuteronomy 23:1 lists the eunuch. I think this refers to a foreign eunuch, not an Israelite.[22] If an Israelite warrior, for example, received such an injury, was he expelled from the congregation? Did he cease to be an Israelite? Did he become a heathen subject to permanent bondage? This does not seem reasonable. The passage refers to outsiders wanting in, including bastards, i.e., outsiders to the covenantal family. The context is not of an insider who is

22. Rushdoony argues that it was an Israelite who became a eunuch. R. J. Rushdoony, *The Institutes of Biblical Law* (Nutley, New Jersey: Craig Press, 1973), p. 84.

being forced out. In any case, adoption into an Israelite family could always overcome this restriction.[23] Caleb, the son of a Kenizite (Num. 32:12), was surely a citizen. He must have been adopted into the tribe of Judah (Num. 13:6), the tribe of Jacob's messianic promise (Gen. 49:10).[24]

Circumcised resident aliens were not citizens unless they were eligible to serve in God's holy army: adoption into the tribe under whose authority they fought. They did not otherwise possess the legal right to impose judicial sanctions as judges in Israel. Only citizens possessed this right. In other words, resident aliens could never become citizens except by adoption: the implicit or explicit acceptance of military service. Urban adoption was tribal, not familistic.

Uriah was called a Hittite. This may have meant that he was not a third-generation circumcised resident, and therefore not normally eligible for citizenship. But he was a warrior in God's holy army. This indicates that the resident alien could become a citizen through military service in the defense of Israel during wartime, even if he was not a third or tenth generation circumcised resident. If a circumcised alien was willing to risk dying for God in defense of Israel's boundaries, and if his offer to serve was accepted by the military, this made him a citizen: a man with the right to the office of judge—a sanctions-bringer.

6. The Sociology of Home Ownership

Poor people rent; rich people own; middle-class people pay off mortgages. Economic freedom produces incentives for owners to build housing for poorer people to rent. Poor people rent new quarters when they grow richer. People move to better quarters when they grow richer. Only the richest sons of the richest families stay put, decade after decade. They move from their palatial summer homes to their palatial winter homes. They are mobile; ownership is not. Permanent landed estates are an important mark of "old money." The dispersal of landed estates in Europe in the twentieth century through the drastic taxation of large inheritances was an aspect of class warfare: the middle classes, in the name of the poorer classes, voted away the wealth of the landed classes, whose heirs could no longer afford to inherit.

23. The adoption of the Ethiopian eunuch—a foreigner—into the New Covenant church (Acts 8:26–40) is indicative of the law of adoption.

24. He may not have been adopted into a family. This took place prior to the conquest of Canaan, so the issue of family adoption and landed inheritance was not yet relevant.

In walled cities, the kinds of people who would have wound up as owners of urban housing would have been the same kinds of people who own urban property today. Richer people would have been dominant home owners. That is, those who were the most productive people in the economy would have been most likely to buy a home and retain a stake in society. This property right, irrespective of a family's creed or ritual, to buy and inherit housing in Mosaic Israel's walled cities was an important way for Israel to attract and keep very productive people from abroad. It would have made Israel's walled cities centers of entrepreneurship and trade. Innovative, creative businessmen from the Mediterranian region would have immigrated.

Turnover of ownership would initially have been much more rapid in walled cities than in rural settings or in unwalled cities. Nineteenth-century American capitalism's story of "poor man to rich man to poor man" in three generations would have been much more common in Israel's walled cities than outside them, at least until population growth shrank the size of the average farm.[25]

The walled cities of the Canaanite era became the walled cities of Israel. Which cities would have been the walled cities of Canaan? First, cities that housed cultures with military aspirations: city-state empires. Second, cities with wealth to protect from invasion: trade centers. Third, cities with unique religious icons or practices that served the needs of a particular region: religious centers. Walled cities would have tended to be cities on the crossroads of trade. Their architecture, water systems, and similar "infrastructure" would have been suited to trading centers. Thus, their character as crossroad cities would not have been radically altered by Israelite civilization. This means that walled cities would have become cosmopolitan: world (cosmos) cities (polis = city). This raises the question of citizenship. It also raises the question of pluralism.

7. Pluralism: Cultural, Not Judicial

The walled city would have been the preferred place of residence for wealthy aliens and wealthy covenant converts who were not heirs of the generation of the conquest. These cities would have been the centers of cosmopolitan life, where ideas and customs from outside

25. Tocqueville commented on the United States in the 1830s: "But wealth circulates there with incredible rapidity, and experience shows that two successive generations seldom enjoy its favors." Alexis de Tocqueville, *Democracy in America*, ed. J. P. Mayer (Garden City, New York: Doubleday, [1835] 1966), I:3, p. 54.

the land would have intermingled. This means that the ideas and customs of a particular foreign god would always have had competition from people who had faith in other gods. This would have created a true cultural pluralism within the legal framework of a biblically covenanted community. The walled cities would have been testing areas—social laboratories—for many ideas and practices, but always within the judicial boundary of God's law.

These testing areas were sealed off judicially from the land outside their walls. This seal was not absolute. Resident aliens could lease agricultural property outside the walls, but they had no assurance of being able to renew these leases, nor could they pass on legal access to rural land to heirs. The jubilee was designed to cut short any attempt by foreigners to colonize the land of Israel. Even urban colonization would have been restricted to ideas and customs that were not in violation of the laws of God. Urban aliens were not citizens. They could not serve as judges.

Not being citizens, resident aliens could not impose judicial sanctions in Mosaic Israel. They could not lawfully seek converts to their imported religions. Only the non-confessional expressions of these imported religious worldviews were legal in the public square. This is why cultural pluralism is not the same as judicial pluralism. Cultural pluralism within a holy commonwealth is stripped of theological confession and judicial sanctions.

The modern humanist world has made politics formally as pluralistic as culture is. This has created a situation in which politics has become polytheistic.[26] Beginning at the outbreak of World War I in 1914, Western nations have imposed immigration barriers in order to keep out foreigners, for fear of losing both culture and politics to hordes of aliens. The expansion of the welfare state has made such restrictions even more important: keeping aliens away from the public treasuries. But "alien" is not defined covenantally; it is defined culturally. National boundaries become walls barring too great a disruption of the established culture, however pluralistic it may already be. Barbed wire has replaced theological confession as the preferred means of discouraging immigrants.

In Mosaic Israel, foreign culture was bounded by urban walls, physiological walls (circumcision), and confessional walls. When the Mosaic law was enforced, immigrants from foreign cultures (plural)

26. Gary North, *Political Polytheism: The Myth of Pluralism* (Tyler, Texas: Institute for Christian Economics, 1989), Part 3.

could not become threats to Israel. God's word alone had judicial authority, so imported cultures had to conform to the covenant. The ethical and judicial terms of the covenant became filtering devices for sifting through the wheat and the chaff in every cultural import. There was no need for immigration barriers. There is no evidence that such barriers ever existed. Mosaic law does not authorize them, precisely because it does not authorize political pluralism.

Lest we forget: the ultimate immigration barrier is abortion.

E. The Levites' Cities

There was one additional aspect of the jubilee land law: Levitical cities. There were 48 of these cities, six of which were cities of refuge (Num. 35:6–7). "Notwithstanding the cities of the Levites, and the houses of the cities of their possession, may the Levites redeem at any time. And if a man purchase of the Levites, then the house that was sold, and the city of his possession, shall go out in the year of jubile: for the houses of the cities of the Levites are their possession among the children of Israel. But the field of the suburbs of their cities may not be sold; for it is their perpetual possession" (Lev. 25:32–34).

The Levites were therefore likely to be urban dwellers at any point in Israel's history. They could not become owners of rural land, which was the inheritance of other tribes.[27] Their presence in a region would have been concentrated in a local tribal city. At the same time, they were dispersed as a tribe throughout the land, just as their cities were. This kept all of the tribes in close proximity to specialists in covenantal law and ritual. This also kept the nation free from priestly attempts to centralize rural land ownership, except in periods in which the jubilee inheritance laws were not enforced. Even in such rebellious periods, there was always the possibility that some subsequent generation would enforce the law. Anti-jubilee legal title was always at risk.

The Levites would have been urban residents. They advised rural people, but they lived primarily in cities. Their "home base" was urban. This fact should tell the commentators something, but none of them ever mentions it. *Israel's legal structure was designed to produce an urban society*. Covenant-keeping would have brought rapid population growth. In a growing economy, wealth is increasingly based on intellectual labor and creativity, not on raw materials.[28] As agriculture

27. Priests occasionally could. See chapter 36.

28. Julian Simon, *The Ultimate Resource* (Princeton, New Jersey: Princeton University Press, 1981); Warren T. Brookes, *The Economy in Mind* (New York: Universe, 1982); E.

becomes more efficient, fewer people need to work the land, or can afford to. Thus, the structure of jubilee ownership led the Levites to live in cities, which is where a growing percentage of the population of covenant-keeping Israel was expected by God to dwell as time went on—and outside the Promised Land, also in cities. The Levites would become the major urban real estate owners except in non-Levite walled cities. Most people would have to rent or lease housing from them.

Let us not mistake what this would have meant: *the accumulation of urban wealth by one tribe*. Urban wealth would increasingly have become the dominant form of wealth in a growing economy, as it is today. Unless Israel conquered new lands, Israelites had only four places to go if they wanted to escape rural life: the original walled cities, unwalled cities, Levitical cities, and other nations. They could not permanently own homes in unwalled cities: a disadvantage. In the original walled cities, the influence of the Levites as advisors would have been strong. In Levitical cities, they would have been the predominant home owners, renting space to poorer residents. *Thus, the structure of land ownership favored the Levites above all other tribes in times of righteousness*. They were the most mobile tribe, the most urban tribe, and the most educated tribe. They had the greatest number of personal contacts across the nation. They would steadily have become the dominant tribe and the wealthiest tribe in a covenantally faithful society.

Why did God subsidize the Levites in this way? One economic reason was the fact that the Levites had an incentive to make sure that the jubilee laws were enforced. They had the authority to excommunicate civil rulers who refused to enforce God's civil law. Levitical families would receive back their homes in the same year that the other tribes' families received back their lands. But did they do this? It seems more likely that they refused to pressure civil magistrates to enforce the jubilee. If they did refuse, there would have been a class of homeless Levites who had to rent housing in their own cities. This would have led to class division within the priestly tribe. If the civil authorities enforced the jubilee only in Levitical cities, there would have been widespread resentment among the other tribes.

Conclusion

This law had to be temporary. The tribal structure was not designed to be permanent; its purpose would end after Shiloh (the Messiah)

Calvin Beisner, *Prospects for Growth: A Biblical View of Population, Resources, and the Future* (Westchester, Illinois: Crossway, 1990).

had come: a member of the tribe of Judah (Gen. 49:10). When the redeemer came, the right of redemption would end. The ideal of the city of God would then replace the ideal of the land of God.

The structure of land ownership under the jubilee system was clearly a wineskin destined to be broken, either through God's blessing—urbanization and/or the conquest of new lands—or God's cursing: conquest by other lands and dispersion. The inheritance of Joshua's day would fade into insignificance: (1) through urbanization; (2) through the extension of the boundaries of Israel outward, beyond the original land grant and the jubilee law; or (3) through emigration, either voluntary or forced. In any case, the importance of the right of redemption would fade.

The right of redemption meant different things to different people in ancient Israel. For the rural land owner, it meant that he could collateralize a business loan or lease his property without the risk of disinheriting his children. An urban home could become the property of the lender if the borrower defaulted. It could become part of the lender's permanent legacy to his children. Also, an urban house was located in a commercial center. The benefits of lending to the urban real estate owner were greater than lending to a rural family with the land as collateral. This meant that a rent-seeking lender might not lend him so much, or at so low an interest rate, as he would lend the home-owning resident of a walled city.

The resident of a walled city lived in an economically active trading center that was cosmopolitan. Resident aliens could buy permanent ownership of homes in such cities. They could even become citizens. The influence of resident aliens in Israel was concentrated here, for only here could they buy homes and pass them to their children. The buying and selling of homes would have concentrated home ownership into the hands of rich families irrespective of their religion. There would have been considerable turnover in ownership, with successful merchants buying or foreclosing on the homes of the less successful. It would have been difficult for any family residing in a walled city to retain ownership of a home through several generations. In other words, home ownership in a walled city in Israel was far more like the modern world than home ownership was elsewhere in Israel. As we have seen, a growing Israelite population would have pushed the population out of rural Israel and into walled cities or outside the nation.

For the Levite, the jubilee redemption law was limited to Leviti-

cal cities. This would have tended to tie Levitical families to certain cities. A Levite could also buy a permanent home in a walled city, although he had no competitive advantage over any other buyer. He had no inheritance in the land outside the cities. This structure of inheritance would have made the Levite primarily an urban figure. If the economy and the population grew, the Levites would become the principal Jewish home owners in Israel. But since God's law is not designed to favor one family over another, long-term, we can safely conclude that the jubilee inheritance laws were not designed to be permanent. They would end when the Kinsman-Redeemer finished His work. As it turned out, it was in His office of Blood-Avenger that He ended the jubilee laws: in A.D. 70.

28

POVERTY AND USURY

And if thy brother be waxen poor, and fallen in decay with thee; then thou shalt relieve him: yea, though he be a stranger, or a sojourner; that he may live with thee. Take thou no usury of him, or increase: but fear thy God; that thy brother may live with thee. Thou shalt not give him thy money upon usury, nor lend him thy victuals for increase. I am the LORD *your God, which brought you forth out of the land of Egypt, to give you the land of Canaan, and to be your God.*

LEVITICUS 25:35–38

The theocentric basis of this law was God's role as the liberator. Men are to fear God. This fear of God should overcome men's fear of nature and history. Fear of God is liberating; fear of the creation is paralyzing. Liberation is an aspect of point two of the biblical covenant model.[1]

A. Usury Defined

This law is an extension of Exodus 22:25: "If thou lend money to any of my people that is poor by thee, thou shalt not be to him as an usurer, neither shalt thou lay upon him usury."[2] The Hebrew word translated here as *usury* means *bite*. "And the LORD sent fiery serpents among the people, and they bit the people; and much people of Israel died" (Num. 21:6). In both Exodus and Leviticus, the borrower is described as being a poor brother in the faith, i.e., under God's cove-

1. Ray R. Sutton, *That You May Prosper: Dominion By Covenant*, 2nd ed. (Tyler, Texas: Institute for Christian Economics, [1987] 1992), ch. 2. Gary North, *Unconditional Surrender: God's Program for Victory*, 5th ed. (Powder Springs, Georgia: American Vision, [1980] 2010), ch. 2.

2. Gary North, *Authority and Dominion: An Economic Commentary on Exodus* (Dallas, Georgia: Point Five Press, 2012), Part 3, *Tools of Dominion* (1990), ch. 49.

nant. The heart of the matter in Leviticus 25:35–38 and Exodus 22:25 is the establishment of judicial conditions for charitable, interest-free loans: poverty, covenantal brotherhood, and geographical proximity. As we shall see, these conditions had to be legally identifiable in order for the prohibition against usury to be enforced by a civil court. It was this aspect of conditionality that medieval theologians failed to recognize when they issued prohibitions against taking interest in all loans. The biblical texts are clear; it is the theologians who have been muddled.[3]

What is usury? Both texts are quite clear about the definition: *usury is any positive rate of return taken from a loan*. There is no universal prohibition in the Bible against interest. This is clear from the text in Deuteronomy that authorizes covenant-keepers to make interest-bearing charitable loans to covenantal strangers. "Thou shalt not lend upon usury to thy brother; usury of money, usury of victuals, usury of any thing that is lent upon usury: Unto a stranger thou mayest lend upon usury; but unto thy brother thou shalt not lend upon usury: that the Lord thy God may bless thee in all that thou settest thine hand to in the land whither thou goest to possess it" (Deut. 23:19–20). In fact, God encourages His people to lend to those outside the faith; it is a means of subduing them. "For the Lord thy God blesseth thee, as he promised thee: and thou shalt lend unto many nations, but thou shalt not borrow; and thou shalt reign over many nations, but they shall not reign over thee" (Deut. 15:6).[4] Lending at interest is an aspect of the dominion covenant. Biblically, there is no universal prohibition against this.

Medieval Christian expositors concluded, following Aristotle rather than Moses, that interest is always prohibited.[5] It is not. What

3. The non-theologians have been even more muddled. See, for example, S. C. Mooney, *Usury: Destroyer of Nations* (Warsaw, Ohio: Theopolis, 1988). For my response, see North, *Authority and Dominion*, Appendix J: "Lots of Free Time: The Existentialist Utopia of S. C. Mooney."

4. Gary North, *Inheritance and Dominion: An Economic Commentary on Deuteronomy*, 2nd ed. (Dallas, Georgia: Point Five Press, [1999] 2012), ch. 70.

5. The prohibition against interest (usury) began with the Council of Nicea (325): clerics were prohibited from making interest-bearing loans. J. Gilchrist, *The Church and Economic Activity in the Middle Ages* (New York: St. Martin's, 1969), p. 155. This prohibition was gradually extended by the theologians after 800. *Ibid*., p. 63. The Second Lateran Council (1139) was especially hostile, going so far as to prohibit usurers from being granted Christian burial. *Ibid*., p. 165. The Council at Vienna (1311–12) mandated the excommunication of civil rulers who permitted usury within their jurisdictions. *Ibid*., p. 206. Gilchrist's excellent book did not receive the audience that it should have. It includes translations of the texts of the general councils. This makes it invaluable.

was prohibited under Mosaic law was interest taken from a poor brother in the faith or a poor resident alien who had subordinated himself to the civil covenant, presumably by submitting to circumcision. The lender, then as now, was not to take advantage of certain poor people: those who had submitted themselves to the terms of the covenant. He was required by God to make a charitable loan. He would thereby forfeit the interest he might have earned from a business loan. Forfeited interest was the charitable component of his act. *If interest were universally prohibited, then all legal loans would be charitable*. There would then be no economic distinction between charity loans and business loans, or between dominion by restoring the covenant-keeping poor and dominion by subordinating the covenant-breaking poor. The Bible teaches otherwise.

B. Charity: Conditional vs. Unconditional

Charitable loans are part of God's program to provide help to honest, covenant-keeping people who have fallen on hard times. These loans are not supposed to subsidize sloth or evil. God does not want us to subsidize evil with the money or assets that He has provided for us.[6] In this sense, *biblical charity is necessarily morally conditional*.[7] Biblical charity is never a judicially automatic "entitlement," to use the terminology of the modern welfare state: a compulsory redistribution of wealth from the successful to the unsuccessful (minus approximately 50% for "handling" by government bureaucrats[8]). It is this element of covenantal conditionality which distinguishes biblical charity from humanist compulsion.[9]

The modern welfare state does not distinguish judicially between faith and unbelief, or between righteousness and moral rebellion, as primary factors underlying both wealth and poverty. The Bible's ethics-based correlation is an implicit denial of the very foundation of humanism's welfare state. The welfare state rests on two rival theories

6. R. J. Rushdoony, "Subsidizing Evil," in Rushdoony, *Bread Upon the Waters* (Nutley, New Jersey: Craig Press, 1969), ch. 3.

7. Ray R. Sutton, "Whose Conditions for Charity?" in *Theonomy: An Informed Response*, ed. Gary North (Tyler, Texas: Institute for Christian Economics, 1991), ch. 9. Sutton was responding to Timothy J. Keller, "Theonomy and the Poor: Some Reflections," in *Theonomy: A Reformed Critique*, eds. William S. Barker and W. Robert Godfrey (Grand Rapids, Michigan: Zondervan Academie, 1990), ch. 12.

8. James L. Payne, *The Culture of Spending: Why Congress Lives Beyond Our Means* (San Francisco: ICS Press, 1991), p. 51.

9. Marvin Olasky, *The Tragedy of American Compassion* (Westchester, Illinois: Crossway, 1992).

of the origin of wealth and poverty, held together dialectically in most humanist explanations of economic inequality: (1) the chance distribution of economic assets and personal skills; (2) the exploitation of the poor by the economically and politically successful. The state is seen as the most powerful agency that possesses a moral and legal obligation to offset the effects of either chance or exploitation. The welfare state therefore in theory looks only at the numbers, not at the moral condition of the recipients of state money: their reported income in relation to statute law. Being bureaucratic, the West's welfare state must by law ignore moral criteria and respond strictly in terms of formal criteria: so much income; so many children in the household under age 18, irrespective of the mother's marital status; and so forth. *The welfare state is to biblical charity what fornication is to biblical marriage*. It literally subsidizes fornication by subsidizing the bastards who are produced by fornication, thereby swelling the ranks of the government-dependent children of the morally corrupt.[10] This creates lifetime employment for the next generation of welfare state bureaucrats—the unstated but inevitable goal of the welfare state. Yet so powerful is humanism today in the thinking of academically trained Christians that they have become open defenders of the legitimacy of the modern welfare state's system of compulsory wealth redistribution, despite the fact that it rests on a theory of unconditional legal entitlement.[11]

C. Reducing Our Fear of the Unknown

Biblical charity is essential for building God's kingdom on earth, for it reduces our fear of the unknown. We are not to live in fear of the unknown. We are to live in the fear of God, which is the beginning of wisdom (Prov. 1:7; 9:10). Intense fear of any aspect of the creation tends to paralyze men, to keep them in bondage to the creation. Fear and paralysis are what the biblical covenant was designed to overcome. Perfect love casts out fear (I John 4:18).

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10. Charles Murray, "The Coming White Underclass," *Wall Street Journal* (Oct. 29, 1993), editorial page.

11. Ronald J. Sider, *Rich Christians in an Age of Hunger: A Biblical View* (Downers Grove, Illinois: Inter-Varsity Press, 1977). For a line-by-line refutation of Sider, including his revised second edition (1984), see David Chilton, *Productive Christians in an Age of Guilt-Manipulators*, 3rd ed. (Tyler, Texas: Institute for Christian Economics, [1985] 1990). Sider did not reply to Chilton in either his second or third edition (Waco, Texas: Word, 1990). The fourth edition (1997) recanted much of what the first three editions had proclaimed in the name of biblical ethics. North, *Inheritance and Dominion*, Appendix F.

Bad things can and do happen to good people from time to time, while good things happen to the unrighteous (Ps. 73). The world sometimes appears to be governed by a system of perverse historical sanctions. Schlossberg was correct: "The Bible can be interpreted as a string of God's triumphs disguised as disasters."[12] Covenant-keepers are not immune from the corporate curse that God has placed on the creation. We are also not immune to the corporate curses He places on the covenant-breaking society in which we live. So, as a way to reduce our fear of the unknown, God commands us to be generous to others in the faith during their time of need.

Biblical charity is a form of social insurance—not state insurance, but social insurance: provided through voluntarism without any threat of civil sanctions. Biblical charity begins with those who labor in the work of building God's kingdom on earth, who in turn voluntarily support other covenantally faithful people who share in this work. Biblical charity is therefore part of God's system of corporate covenant sanctions—in this case, positive sanctions, beginning with covenant-keepers and extending to covenant-breakers only after those inside the household of faith have been assisted.

Charity creates dependence. This dependence is to be temporary except in cases of permanent physical or mental helplessness. The biblical goal is dominion by covenant, not by permanent dependence. This is why state charity is so dangerous to biblical dominion and therefore to liberty. It creates a permanent political base of dependents and also a permanent corps of state-funded welfare agents whose income depends on the maintenance of poverty to relieve. For this corps of welfare agents, poverty is where the money is.[13] The positive sanction of charity is not to be provided by the state, which must impose compulsory negative sanctions (taxes) on some people in order to extend positive sanctions (welfare) to others. The state is to promote the general welfare only by punishing criminals and defending the nation from invasion. A biblical positive sanction—the general welfare—is the social result of the state's exclusively negative sanctions.

The state is required by God to defend the legal boundaries that establish private property, not invade these boundaries in an illegitimate messianic quest to bring positive sanctions to the poor. The

12. Herbert Schlossberg, *Idols for Destruction: Christian Faith and Its Confrontation with American Society* (Westchester, Illinois: Crossway, [1983] 1993), p. 304.

13. Shirley Scheibla, *Poverty Is Where the Money Is* (New Rochelle, New York: Arlington House, 1968).

civil magistrate is figuratively to stand inside the boundaries beside of the property owner to defend him against any threat of invasion by a non-owner. He is not to stand outside the boundaries by the side of the non-owner, threatening to invade. Defenders of the welfare state reject this view of the civil magistrate. Because so many of these defenders are orthodox theologians and church leaders, Christian social theory today is either non-existent (baptized humanism) or undermined by humanism.

D. The Stranger and the Sojourner

This text says that we are to relieve the stranger and the sojourner. The text in Deuteronomy 23:20 says that we may lawfully charge strangers interest. How can this apparent contradiction be resolved? Answer: by going to the Hebrew text. At this point, I reprint a portion of a chapter, "The Prohibition Against Usury," which appears in my commentary on the case laws of Exodus, Part 3 of *Authority and Dominion* chapter 49, Section C.

The text in Leviticus 25, the chapter on the jubilee year, is clear: "And if thy brother be waxen poor, and fallen in decay with thee; then thou shalt relieve him: yea, though he be a stranger [*geyr*], or a sojourner [*to-shawb*]; that he may live with thee. Take thou no usury of him, or increase: but fear thy God; that thy brother may live with thee. Thou shalt not give him thy money upon usury, nor lend him thy victuals for increase" (Lev. 25:35–37). It begins with the determining clause: "If thy brother be waxen poor."

The interpretation of the Leviticus 25 passage initially seems difficult because of the King James translation of Deuteronomy 23:20: "Unto a stranger [*nok-ree*] thou mayest lend upon usury; but unto thy brother thou shalt not lend upon usury: that the Lord thy God may bless thee in all that thou settest thine hand to in the land whither thou goest to possess it." We must begin with the presupposition that God's revealed law is not inconsistent. But here we have what appear to be two rules regarding the stranger: you may not lawfully charge the stranger interest, yet you may lawfully charge him interest. How can we reconcile these two statements?

The answer is that the Hebrew word used in Leviticus 25:35, transliterated *geyr* [*gare*], is not the same as the Hebrew word in Deuteronomy 23:20. Similarly, "sojourner" [*to-shawb*] is related to *yaw-*

shab,[14] meaning "sit," and implying "remain," "settle," "dwell," or even "marry."[15] *To-shawb* therefore means *resident alien*. The stranger [*nok-ree*] referred to in Deuteronomy 23:20 was simply a foreigner.[16] Two different kinds of "stranger" are referred to in the two verses. Thus, if the resident alien was poor, and if he was willing to live in Israel under the terms of the civil covenant, then he was entitled to a special degree of civil legal protection. What was this legal protection? If he fell into poverty, he was not to be asked to pay interest on any loan that a richer man extended to him. With respect to usury, he was to be treated as a poverty-stricken Hebrew. Not so the foreigner.

What must be understood is that the economic setting is clearly *the relief of the righteous poor*. The recipient was any poor person who had fallen into poverty through no ethical fault of his own, and who was willing to remain under God's civil hierarchy.

There is a parallel passage in Deuteronomy 15. Deuteronomy 15 lists the economic laws governing Israel's national sabbatical year. In this national year of release, the text literally says, all debts *to neighbors* are to be forgiven: "At the end of every seven years thou shalt make a release. And this is the manner of the release: Every creditor that lendeth ought unto his neighbour shall release it; he shall not exact it of his neighbour, or of his brother; because it is called the LORD's release" (Deut. 15:1–2).[17] The text is clear: the neighborly loan is the focus of the law.

At least one kind of loan was explicitly exempted by the text: loans to non-resident foreigners. "Of a foreigner [*nok-ree*] thou mayest exact it again: but that which is thine with thy brother thine hand shall release" (Deut. 15:3). This could have been a traveller or foreigner who owned a business locally. It could have been a business contact in another country. It was not a poverty-stricken resident alien, who was treated by biblical civil law as a neighbor.

E. Who Is My Neighbor?

Because all debts to a neighbor are to be forgiven, the legal question legitimately arises: "Who is my neighbor?" This was the question

14. Strong's *Concordance*, Hebrew and Chaldee Dictionary, p. 123.

15. *Ibid*., p. 52.

16. This is the translation given in the Revised Standard Version, the New American Standard Bible, and the New International Version. The alien and the sojourner were equivalents judicially in the Mosaic law. The NIV translates Leviticus 25:35 as "an alien or a temporary resident."

17. North, *Inheritance and Dominion*, ch. 36.

that the lawyer asked Jesus (Luke 10:29). Jesus answered this question with His parable of the good Samaritan. The Samaritan finds a beaten man on the highway. The man had been robbed. He looked as though he was dead. He was in deep trouble *through no fault of his own*. He was on the same road that the Samaritan was traveling. The Samaritan takes him to an inn, pays to have him helped, and goes on his journey. He agrees to cover expenses. He shows mercy to the injured man who was incapable of helping himself. He is the therefore true neighbor of the person on the road. The lawyer admitted this (Luke 10:37).

So, the context of the parable is not simply geographical proximity in a neighborhood. It is *proximity of life*. Samaritans did not normally live in Israel. They had very little contact with the Israelites. But this Samaritan was walking along the same road as the beaten man, and he was in a position to help. He saw that the man was a true victim. The latter was in trouble through no visible fault of his own. He therefore deserved help—morally, though not by statute law—but the priest and the Levite had refused to offer him any help. The Samaritan was being faithful to the law.

This parable was a reproach to the Jews. They knew what Jesus was saying: they were too concerned with the details of the ceremonial law to honor the most important law of all, which the lawyer had cited. "Thou shalt love the Lord thy God with all thy heart, and with all thy soul, and with all thy strength, and with all thy mind; and thy neighbour as thyself" (Luke 10:27). What they also fully understood was that Jesus was predicting that the gentiles (Samaritans) who did obey this law of the neighbor would eventually rule over the Jews, for this is what Deuteronomy 15 explicitly says. *He who shows mercy to his neighbor will participate in his nation's rule over other nations*. "Only if thou carefully hearken unto the voice of the LORD thy God, to observe to do all these commandments which I command thee this day. For the LORD thy God blesseth thee, as he promised thee: and thou shalt lend unto many nations, but thou shalt not borrow; and thou shalt reign over many nations, but they shall not reign over thee" (Deut. 15:5–6). Notice also that the means of exercising this rule is through extending them credit.

This is a very significant covenantal cause-and-effect relationship. If a nation is characterized by the willingness of its citizens to loan money, interest-free, to their poverty-stricken neighbors, including resident aliens, who are stricken by poverty, not immoral pursuers of

poverty by their lifestyles, the nation will eventually extend its control over others by placing them under the obligation of debt. "The rich ruleth over the poor, and the borrower is servant to the lender" (Prov. 22:7). This is why it was legal to take interest from the foreigner who was living outside the land. It was a means of subduing him, his family, and his God-defying civilization. It was (and is) a means of dominion.

[Added in 1994:] This does not mean, as Timothy Keller insisted that it means, that my neighbor is anyone in need anywhere on earth. He wrote: "*Anyone* in need is my neighbor—that is the teaching of the Good Samaritan parable."[18] No, that is the teaching of the modern welfare state and its international embodiment, the United Nations Organization, a would-be reincarnation of the Roman Empire, but on a much wider scale: the incarnation of humanism's New World Order.[19]

F. Moral Obligation

Because these charitable loans were supposed to be cancelled in the seventh year, the national sabbatical year, there was an obvious temptation to refuse to make such loans as the sabbatical year of release approached. God recognized this temptation, and He warned against it.

> If there be among you a poor man of one of thy brethren within any of thy gates in thy land which the LORD thy God giveth thee, thou shalt not harden thine heart, nor shut thine hand from thy poor brother: But thou shalt open thine hand d shalt surely lend him sufficient for his need, in that which he wanteth. Beware that there be not a thought in thy wicked heart, saying, The seventh year, the year of release, is at hand; and thine eye be evil against thy poor brother, and thou givest him nought; and he cry unto the LORD against thee, and it be sin unto thee. Thou shalt surely give him, and thine heart shall not be grieved when thou givest unto him:

18. Keller, "Theonomy and the Poor," p. 275. For my critique of this position, see Gary North, *Westminster's Confession: The Abandonment of Van Til's Legacy* (Tyler, Texas: Institute for Christian Economics, 1991), pp. 271–80.

19. R. J. Rushdoony, "The United Nations," in Rushdoony, *The Nature of the American System* (Vallecito, California: Ross House, [1965] 2001); Rushdoony, "Has the U.N. Replaced Christ as a World Religion?" in *Your Church—Their Target*, compiled by Kenneth W. Ingwaldson (Arlington, Virginia: Better Books, 1966), ch. 10; Rushdoony, "The United Nations: A Religious Dream," in Rushdoony, *Politics of Guilty and Pity* (Vallecito, California: Ross House, [1970] 1995), pp. 184–199. See also Chesley Manly, *The UN Record: The Fateful Years for America* (Chicago: Regnery, 1955); V. Orval Watts, *The United Nations: Planned Tyranny* (New York: Devin-Adair, 1955); G. Edward Griffin, *The Fearful Master: A Second Look at the United Nations* (Boston: Western Islands, 1964); Robert W. Lee, *The United Nations Conspiracy* (Boston: Western Islands, 1981).

> because that for this thing the Lord thy God shall bless thee in all thy works, and in all that thou puttest thine hand unto (Deut. 15:7–10).

This indicates that God placed a moral obligation on the heart of the more successful man, who was supposed to lend to his neighbor. But this was not statute law enforceable in a civil court. God would be the avenger, not the state.

The context of the obligatory loan of Deuteronomy 15, like the zero-interest loan of Exodus 22:25–27, is poverty. There will be poor people in the promised land, Moses warned. Because of this, these special loans are morally mandatory. There must be a year of release, "Save when there shall be no poor among you; for the Lord shall greatly bless thee in the land which the Lord thy God giveth thee for an inheritance to possess it" (Deut. 15:4). Does this mean that these loan provisions would eventually be annulled? No. "For the poor shall never cease out of the land: therefore I command thee, saying, Thou shalt open thine hand wide unto thy brother, to thy poor, and to thy needy, in thy land" (Deut. 15:11). Everything in Deuteronomy 15 speaks of poverty and biblical law's means of overcoming it. *Deuteronomy 15 is not dealing with business loans; it is dealing with charity loans*. There was no statute law that imposed sanctions on anyone who refused to make an interest-free loan.

G. Defining Poverty by Statute

Why was this not a statute law? Because biblical civil law imposes only negative injunctions. It prohibits publicly evil acts. Biblical civil law does not authorize the state to make men good. It does not authorize the state to force men to do good things. It does not authorize the creation of a messianic, salvationist state. The state cannot search the hearts of men. God does this, as the Creator and Judge, so the state must not claim such an ability. The state is only authorized by God to impose negative sanctions against publicly evil acts. It is not authorized to seek to force men to do good acts. In short, the Bible is opposed to the modern welfare state.

1. Defining Poverty

There is no way for biblical statute law to define what poverty is apart from the opinions of those affected by the law, either as taxpayers, charitable lenders, or recipients of public welfare or private charity. "Poverty" is too subjective a category to be defined by statute law.

The state needs to be able to assign legal definitions to crimes, in order that its arbitrary power not be expanded. Economic definitions of wealth and poverty that are not arbitrary are not available to the civil magistrates for the creation of positive legal injunctions. Thus, God's civil law does not compel a man to make a loan to a poor person.

Nevertheless, the civil law does prohibit taking interest from certain categories of poor people. How can the law do this without creating the conditions of judicial tyranny through arbitrariness? If the magistrates cannot define exactly what poverty is for the purpose of writing positive civil injunctions, how can they define what a charitable loan is? How can the state legitimately prohibit interest from a charity loan if the legislators and judges cannot define poverty with a sufficient degree of accuracy to identify cases where a charity loan is legally obligatory for the potential lender?[20]

The lender decides who is deserving of his loan and who is not. This is his moral choice. God will judge him, pro or con, not the state. However, once the lender grants this *unique, morally enjoined charity loan*, he may not extract an interest payment. This is a negative injunction—not doing something which is forbidden by law—and therefore it is legitimately enforceable by civil law, as surely as the civil magistrates in ancient Israel were supposed to enforce the release of debt slaves[21] in the seventh (sabbatical) year (Deut. 15:12–15). The requirement to lend to a needy brother under the terms specified in biblical law is a positive injunction. It therefore comes under the self-government provisions of the conscience and the negative sanctions of God. This positive injunction is not under the jurisdiction of the civil courts. On the other hand, the prohibition against charging interest on these unique loans, being a negative injunction, does come under the enforcement of both civil courts and church courts.

2. Bondservice

The key to understanding the Bible's civil definition of poverty is the loan's contract. There must be a mutually agreed-upon contract, explicit or implicit, in order to establish a legally enforceable loan. If the borrower came to the lender and called upon him to honor Deuteronomy 15:7–8, then the borrower admitted that his was a special

20. This is the question that S. C. Mooney raised in his attempt to remove any distinction between charity loans and business loans. Mooney, *Usury*, pp. 123–27.

21. A debt slave was a person who had asked his neighbor for a morally mandatory, zero-interest charity loan, and who had then defaulted. He was then placed in bondage until the sabbatical year, or until his debt was paid.

case, a charity loan, and it was governed by the civil law's terms of the sabbatical year and the prohibition against interest. The borrower made his request a matter of conscience.

In so doing, he necessarily and inescapably placed himself under the terms of biblical civil law. *If he could not repay his debt on time, he could legally be sold into bondservice*. This was not a collateralized commercial loan. The borrower was so poor that he had almost no collateral except his land. He chose not to use his land as collateral—or was forced to because he had already leased his land. Yet he was still in dire need. All he could offer as collateral was his promise, his cloak, and his bodily service until the next sabbatical year, should he default. Thus, the borrower admitted that he in principle had already become a bondservant. He admitted through the loan's contractual arrangement that the borrower is servant to the lender. If he could not repay, he would go into bondservice until the next sabbatical year, or until his debt was repaid, whichever came first.

How would the civil magistrate in Israel know which kind of loan was in force, commercial or charitable, and therefore whether interest was valid or illegal? By examining the nature of the loan's collateral. If a loan went to an individual who, if he should default on the loan, would be placed in debt slavery, then this was a charitable loan governed by the provisions of Deuteronomy 15. This is why the year of release applied to both kinds of servitude: debt servitude and bodily servitude that arose because of a man's default on a charity loan.

Furthermore, if it was a loan with the individual's cloak as security, then it was also a zero-interest loan. The collateral described in Exodus 22:25–27 insured little more than that the individual was a local resident—he had to come to the lender to get it back each evening—and that the loan was temporary. (It also made multiple indebtedness more difficult.)[22] It would have been a very small loan. This was clearly not a business loan. A business loan would have a different kind of collateral: property that was not crucial to personal survival on a cold night. If the borrower defaulted on a commercial loan, he would forfeit the property specified in the loan contract. He would not forfeit his freedom or his children's freedom. In short, the Old Testament's texts governing lending specify that certain kinds of loans would have certain kinds of collateral, and wherever these unique forms of collateral appeared, the lender could not legally demand an interest payment.

22. North, *Authority and Dominion*, ch. 49:J.

Biblical civil law is exclusively negative law—prohibiting evil public deeds—not positive law, which enjoins the performance of righteous public deeds. An example of this distinction is the enforcement of the tithe: church courts can legitimately require voting members to tithe as a condition of maintaining their voting church membership; the state cannot legitimately require residents to tithe to a church or other organization on threat of civil punishment.

Once the contract was made, the lender was placed under the limits of the civil law. He could not extract interest from the borrower, even a resident alien. But the borrower also was placed under limits: if he defaulted, he could be sold into bondservice. Each party was under limits. Each had decided that this was a true poor loan situation. Each agreed to a unique set of contractual obligations by entering into this arrangement.

Thus, once the contract was made, either implicitly or explicitly, the state had a legal definition of poverty. If the borrower was legally subject to the possibility of being sold into bondservice for defaulting on the loan, then the lender could not lawfully extract interest from him. On the other hand, if the borrower was unwilling to place his own freedom in jeopardy, then he was unwilling to define himself as a poor man for the sake of the civil law's definition. Thus, he had to pay interest on the loan, *and his obligation to repay the loan extended beyond the sabbatical year*. If he was not under the threat of bondservice, he was not under the protection of the sabbatical year or the zero-interest provisions against usury.

Today, the state does not recognize the legitimacy of temporary servitude in order to repay loans. The modernstate has annulled the defining legal condition under which God established the Mosaic law's morally compulsory charitable loans.

What about the New Covenant? Jesus set forth this rule: "And if ye lend to them of whom ye hope to receive, what thank have ye? for sinners also lend to sinners, to receive as much again. But love ye your enemies, and do good, and lend, hoping for nothing again; and your reward shall be great, and ye shall be the children of the Highest: for he is kind unto the unthankful and to the evil" (Luke 6:34–35).[23] The law has been extended to God's covenantal enemies even when the

23. Gary North, *Treasure and Dominion: An Economic Commentary on Luke*, 2nd ed. (Dallas, Georgia: Point Five Press, [2000] 2012), ch. 10.

threat of servitude for default has been eliminated. The law is broader and more rigorous in the New Covenant. But it is still conditional: no subsidy of evil. It is part of God's judgment: "Therefore if thine enemy hunger, feed him; if he thirst, give him drink: for in so doing thou shalt heap coals of fire on his head" (Rom. 12:20).[24]

H. Interest and Inflation

In *Authority and Dominion*, I went into considerable detail about the economics of time-preference: the originary interest rate. I also discussed the thousand-year history of the church's false interpretations of the usury prohibition as a universal prohibition against all forms of interest. I do not need to reprint the entire chapter here. Those readers who want a detailed treatment may consult that chapter. Warning: it is a long chapter.[25]

The interest rate is a universal category of human action. It is not a purely monetary phenomenon. It results from the inescapable discount that acting men place on the future. For example, a brand new Rolls-Royce automobile is worth more to me today than the same Rolls-Royce delivered a year from now is worth to me today.[26] A bird in hand today is worth more than the same bird in hand in a year.[27] This *rate of discount* of future goods vs. physically identical goods that are in our possession today is the *rate of interest*.[28] It does not apply to money alone, just as the text in Leviticus indicates; it applies to food and, by extension, all goods and services. Interest on charitable loans is prohibited in the case of money, services, or goods—a recognition in God's law of the universality of the interest rate. The rate of interest is a discount for time across the entire economy.

In a period of rising prices (i.e., falling value of money), an astute charitable lender prefers to lend food ("victuals," or "vittles," as the word is pronounced)[29] rather than money. He cannot lawfully charge interest on such loans. A loan "in kind"—a consumer good rather than money—means that the lender will receive back the physical equiva-

24. Gary North, *Cooperation and Dominion: An Economic Commentary on Romans*, 2nd ed (Dallas, Georgia: Point Five Press, [2000] 2012), ch. 10.

25. North, *Authority and Dominion*, ch. 49.

26. I use the Rolls-Royce example because its style does not change very often, and older models retain their market value.

27. This assumes that the bird's species is not known to be facing extinction or some tremendous fall in numbers next year.

28. Ludwig von Mises, *Human Action: A Treatise on Economics* (New Haven, Connecticut: Yale University Press, 1949), ch. 19.

29. The word is seldom used outside of backward rural areas.

lent of whatever he gave up temporarily to the borrower. He will not suffer an additional loss from the debtor's repayment of the loan in money of reduced purchasing power. Since he cannot lawfully charge interest, he does not tack on what is called an *inflation premium* to the loan: an extra payment to compensate him for the fall in the value of money. There is little doubt that price inflation in Israel would have increased the number of loans in kind compared to money loans. A charitable loan made in money would have produced a loss of more than the forfeited interest; it would have meant the loss of capital.

On the other hand, in a time of falling prices (rising money value), either as a result of an economic depression or because of added economic output, an astute lender would prefer to lend money rather than goods. He would then receive an implicit interest return on the loan: added capital (purchasing power) despite the numerical equality of the monetary units repaid. The Bible allows this. In times of falling prices, an astute borrower will prefer a loan in goods rather than money, but he is not in a position to demand such a loan. "Beggars can't be choosers," as the saying goes. However, in most periods in history, this added return on money loans is very low, since prices rarely fall rapidly except following a period of high monetary inflation. Economic output grows slowly most of the time; prices therefore fall slowly.

There is no question that the lender's decision to loan in money or in goods is heavily dependent on the civil government's monetary policies. Because monetary policy cannot achieve economic neutrality,[30] to some extent there will always be profits and losses in debt arrangements. Either the lender loses or the debtor loses, depending on the terms of the contract and monetary policy. The key judicial issue, however, is that in a covenanted Trinitarian nation, the contract for a charitable loan must not impose an explicit interest payment.

Conclusion

Usury from the poor brother is prohibited by the Bible. In the Mosaic Covenant, this poor person had to be willing to risk going into bondservice for up to six years if he defaulted on such a zero-interest loan. The civil courts were required to enforce this provision of a charitable loan. This bondservice provision was assumed in every zero-interest loan, which the court could safely assume was a charity

30. Murray N. Rothbard, *Man, Economy, and State: A Treatise on Economic Principles*, 2nd ed. (Auburn, Alabama: Mises Institute, [1962] 2009), p. 818.

loan. It was this willingness on the poor person's part to risk bondservice that identified him as a needy person. Accepting such a loan was a last resort. It was this degree of poverty, and *only* this degree of poverty, that created a moral obligation on the lender to lend to a deserving poor person.

This usury prohibition has nothing to do with interest on business loans or consumer loans, whether or not they are collateralized, although large loans normally will be. Commercial loans possess no element of moral obligation. Such interest-bearing loans in Mosaic Israel were not under the cancellation provisions of the sabbatical year, but the collateral for the loan could not be perpetual bondservice, for only heathens could be enslaved permanently in Israel. The Israelite bondservant had to be paid a wage, enabling him to buy his way out.[31]

The Pentateuchal texts are clear: covenant-keepers do not owe interest-free charitable loans to those who are not under the jurisdiction of either God's ecclesiastical covenant or God's civil covenant. This means that Christians who live under a civil government in which citizenship is not based on taking or implicitly accepting a formal Trinitarian oath owe no loans to resident aliens, i.e., non-believers. Why not? Because, covenantally speaking, *Christians have become the resident aliens*. We are the strangers in a strange land. We live as Abraham lived in Canaan, not as Joshua's heirs lived in Israel.[32] The difference is, Abraham looked forward to deliverance and victory during Joshua's generation (Gen. 15:16).[33] Today, the vast majority of Christians praise their permanent resident-alien status as God's plan for the New Covenant era: political pluralism.[34] What Jews in Jesus' day correctly regarded as civil tyranny—subservience to Rome's pantheon of gods, incarnated in the state—today's Christians regard as political freedom. Even Calvinists, Protestantism's historic defenders of theocracy, from Calvin's Geneva through Cromwell's England to Puritan New England, have fallen into this humanist mind-set.[35] The Greek

31. Chapter 29.

32. Martin E. Marty, *Pilgrims in Their Own Land: 500 Years of Religion in America* (Boston: Little, Brown, 1984).

33. Gary North, *Sovereignty and Dominion: An Economic Commentary on Genesis* (Dallas, Georgia: Point Five Press, 2012), ch. 23.

34. Gary North, *Political Polytheism: The Myth of Pluralism* (Tyler, Texas: Institute for Christian Economics, 1989).

35. An example is Gary Scott Smith, *The Seeds of Secularization: Calvinism, Culture, and Pluralism in America, 1870–1915* (Grand Rapids, Michigan: Christian University Press, 1985).

rationalism of the medieval university's curriculum has triumphed over whatever biblical elements had been sporadically tacked on by wishful Scholastic thinkers.

The New Testament has broadened the net of those who have a legitimate moral claim on our charitable loans: from poor brothers to poor covenant-breakers. But the law is still conditional. We are not to subsidize evil. We lend to very poor people who are not poor because of their own moral flaws. We are not even to lend in the hope of regaining our principal, let alone interest (Luke 6:34–35). The charitable loan law is more rigorous in the New Covenant, but it is not unconditional.

29

PROMISE, ADOPTION, AND LIBERTY

And if thy brother that dwelleth by thee be waxen poor, and be sold unto thee; thou shalt not compel him to serve as a bondservant: But as an hired servant, and as a sojourner, he shall be with thee, and shall serve thee unto the year of jubile: And then shall he depart from thee, both he and his children with him, and shall return unto his own family, and unto the possession of his fathers shall he return. For they are my servants, which I brought forth out of the land of Egypt: they shall not be sold as bondmen. Thou shalt not rule over him with rigour; but shalt fear thy God.

LEVITICUS 25:39–43

The theocentric principle is clear: God is the master. He sets the terms for bondservice.

A. Bondservants

What was a bondservant in Mosaic Israel? The Hebrew words used in this passage cannot be distinguished by grammar. In verse 39, the Hebrew translated as bondservant is ‘*abodah*. It is used in many ways in the Old Testament, sometimes referring to honorable labor, sometimes not. The word is found in the description of Israel's bondage in Egypt: "And they made their lives bitter with hard bondage, in morter, and in brick, and in all manner of service in the field: all their service, wherein they made them serve, was with rigour" (Ex. 1:14). It is also used with respect to priestly service: "This is the service of the families of the sons of Merari, according to all their service, in the tabernacle of the congregation, under the hand of Ithamar the son of Aaron the priest" (Num. 4:33). It is used to describe work prohibited on the sabbath or other festival days: "And on the seventh day ye shall have an holy convocation; ye shall do no servile work" (Num. 28:25). There is no ethical pattern here. The word simply means *service*.

In Leviticus 25:42–43, another Hebrew word is used, *'ebed*. This word is used twice: "For they are my servants, which I brought forth out of the land of Egypt: they shall not be sold as bondmen. Thou shalt not rule over him with rigour; but shalt fear thy God." The first sense is honorable; the second is dishonorable. Grammar does not tell us anything that would enable us to distinguish the two legal conditions: servants to God vs. slaves to men. Context must determine its interpretation. In this respect, both of these Hebrew words—*'abodah* and *'ebed*—are analogous to the Greek word *doulos*, which is sometimes translated *slave* and other times as *servant*.

We must therefore turn from grammar to context in our search for meaning. The context of this passage is twofold: poverty and permanent slavery. The preceding section in Leviticus 25 deals with zero-interest charitable loans to poor people, either Israelites or resident aliens (vv. 35–38). The succeeding section deals with inter-generational slavery: a legal condition exclusively of non-Israelites (vv. 44–46). In between is this section: how to treat a poor Israelite.

B. Two Forms of Bondservice

In the previous chapter, I argued that the identifying mark of a person who was morally entitled to consideration for a zero-interest charitable loan was his willingness to become a bondservant if he did not repay the debt on schedule. In the sabbatical year, charitable debts as well as bondservice that resulted from a debtor's inability to repay a charitable loan (Deut. 15:12) were to be cancelled nationally (Deut. 15:1–7).[1] The reason for this was that the two obligations were linked judicially. When the legal obligation to repay a charitable loan ceased, so did the obligation to serve as a bondservant for having defaulted on a charitable loan.

Leviticus 25:39 states that an Israelite could be sold into bondservice. He would not automatically go free until the jubilee year. The sabbath-year release did not apply to him. I call this *jubilee* bondservice, in contrast to *sabbatical* bondservice. I argue in this chapter that both forms of bondservice were likely to have been legal penalties for personal bankruptcy. There was always the threat of debt bondage in Mosaic Israel. The differences between the two forms of bondservice were the results of two different types of loans: charitable vs. non-charitable. There was a much greater threat of long-term bond-

1. Gary North, *Inheritance and Dominion: An Economic Commentary on Deuteronomy*, 2nd ed. (Dallas, Georgia: Point Five Press, [1999] 2012), ch. 36.

age for having defaulted on a non-charitable loan than a charitable loan. A person entered a business debt contract with open eyes. A poor man who sought a charitable loan was under greater external constraints. God imposed reduced risks of servitude on him.

A man's unwillingness to bear the risk of up to six years of bondservice for his failure to repay a loan established the loan as a morally compulsory, zero-interest, charitable loan. Unless the poor borrower was willing to take this risk, he had no moral claim on the lender. Yet it is clear from the text that Israelites could lawfully be sold into servitude until the next jubilee year. This bondage was a means of debt repayment. So, if servitude of up to 49 years was possible, why did the threat of no more than six years of bondservice judicially identify a morally compulsory charitable loan?

The answer is found in the issue of legal access to the inheritance. A man who was so poor that he was willing to risk bondservice until the next sabbatical year, but who was unwilling to put up his land as collateral, had a moral claim on a zero-interest charitable loan. He had a property to return to. He was poor, but he was obviously not so present-oriented or risk-oriented that he would use his inheritance as collateral. His poverty was temporary. He had an inheritance to return to in the sabbatical year after a period of bondservice. His post-crisis goal was liberty and dominion: self-government. So, he used his own potential servitude as collateral to secure the charitable loan.

The borrower who was willing to use his inheritance as collateral in a business loan, or one who had already leased out his land until the next jubilee year, was not equally protected by the Mosaic law. He had no moral claim on a zero-interest charitable loan. Either this was a business loan, in which the element of moral obligation was not involved, or else the person was economically incompetent: he had already leased his inheritance, yet he still wanted a loan. For this person, the time limits on bondservice that were offered by the sabbatical year of release were inoperative. He could be placed into bondservice until the next jubilee year.

Access to the inheritance served as the debtor's sanctuary. If he had not leased out his land, or if he had not lost it because he had used it as collateral to secure a non-charity loan that later went bad, he could not be placed in bondservice for longer than six years. God reminded the debtor that retaining possession of his inheritance was very important in God's eyes. Debtors who were willing to place

their inheritance at risk to secure a business loan, or who had already leased out their land, were regarded by the Mosaic law as second-class debtors. They had no moral claim on a zero-interest loan. They also did not possess a sanctuary from bondage: they could serve beyond six years, i.e., until the next jubilee trumpet sounded.

C. Bondservice and Boundaries

An impoverished Israelite who had been sold into jubilee bondservice was not to be treated as a bondservant by a fellow Israelite; instead, he was to be treated as a hired servant. This passage indicates that being a hired servant was preferable to being a bondservant. An Israelite was not to *compel* a fellow Israelite to serve as a bondservant. We need to ask: What was the difference between a bondservant and a hired servant?

There were exclusionary boundaries on hired servants and sojourners that did not apply to bondservants: "There shall no stranger eat of the holy thing: a sojourner of the priest, or an hired servant, shall not eat of the holy thing. But if the priest buy any soul with his money, he shall eat of it, and he that is born in his house: they shall eat of his meat" (Lev. 22:10–11). A sojourner and a hired servant could not eat a holy meal with a priest; the priest's household bondservant could. What was different between the two? The sojourner and hired servant were not owned, and therefore they could leave the household; the household's boundary did not restrict them. The slave could not leave; the boundary did restrict him. He therefore had legal access to the ritual meal of the priest's household. He was judicially inside the household's boundary.

The shared judicial status of sojourners and hired servants in Mosaic Israel seems to have been two-fold: first, they could leave the household of the employer; second, in some instances they were uncircumcised. We see this in the law of the Passover: it prohibited strangers and hired servants from eating, yet it allowed circumcised strangers to eat.

> And the LORD said unto Moses and Aaron, This is the ordinance of the passover: There shall no stranger eat thereof: But every man's servant that is bought for money, when thou hast circumcised him, then shall he eat thereof. A foreigner and an hired servant shall not eat thereof. In one house shall it be eaten; thou shalt not carry forth ought of the flesh abroad out of the house; neither shall ye break a bone thereof. All the congregation of Israel shall keep it. And when a stranger shall sojourn with thee,

> and will keep the passover to the Lord, let all his males be circumcised, and then let him come near and keep it; and he shall be as one that is born in the land: for no uncircumcised person shall eat thereof (Ex. 12:43–48).

The defining judicial issue in the Passover law was an individual's circumcision, not his right of mobility. In contrast, the definition of "sojourner" and "hired servant" applicable to Leviticus 25:40 is based on the existence of a household boundary. The sojourner and the hired servant could legally leave the jurisdiction of the household at the end of their voluntary, contractual service. The bondservant could not. The jubilee law did not require the Israelite to treat his impoverished brother as an uncircumcised person. It therefore must have required the owner to treat his fellow Israelite as well as he would treat a geographically mobile person. The poor Israelite was to be protected.

D. Who Were the Poor in Israel?

The poor man had no money or marketable assets except his labor. This is an economic definition. There is no biblical text that reveals such a definition. It is not suitable as a legal definition. The Mosaic law applied to *legally identifiable* classes of individuals. It prohibited certain forms of behavior regarding the treatment of the poor: "thou shalt not." But there is no economic definition of poverty offered by the Bible. This case law had a judicial definition rather than an economic definition.

A man was defined as legally poor in terms of his willingness to risk bondservice if he defaulted on a charitable loan. Access to one's inheritance assured liberation from debt servitude, either in the sabbatical year (where the land was not pledged) or the jubilee year (where the land might be pledged). The jubilee law did not make economic poverty illegal. It did not equalize wealth. It did not equalize opportunity. What it did was place maximum limits on debt servitude, and therefore maximum limits on debt: six years (zero-interest charitable loans) and 49 years (interest-bearing business loans). The jubilee law restricted the discounted market value of a loan collateralized by a man's inheritance. In year 50, the land would return to him. Lenders beware!

There was no guarantee that a plot of ground would be economically valuable through the centuries. The jubilee law made no legal guarantee of anyone's economic condition. The Bible is not a hand-

book of statist wealth redistribution. It is a handbook of covenantal liberty: *God's handbook for man's redemption*, i.e., a transformation of his judicial status in God's court: from guilty to innocent.

If my explanation of the Mosaic law's judicial definition of poverty in this case law is correct, then this case law no longer applies under the New Covenant. The definition was tied to inheritance within the Promised Land. With the annulment of the Promised Land's special covenantal status, this case law's definition of poverty ceased to be judicially relevant.

E. To Buy a Brother

This passage governs the treatment of an Israelite who has been sold to another Israelite. He had to serve the purchaser until the jubilee unless his kinsman-redeemer bought him out of bondage.

This means that he was not under the protection of the sabbatical year of release (Deut. 15). Why not? Because he was not in his predicament as a result of his inability to repay a zero-interest charitable loan. Such loans were cancelled in the sabbatical year. Also, the person who was sold into bondage because of his failure to repay a charitable loan had to be provided with capital when he departed during the sabbatical year: "And when thou sendest him out free from thee, thou shalt not let him go away empty: Thou shalt furnish him liberally out of thy flock, and out of thy floor, and out of thy winepress: of that wherewith the Lord thy God hath blessed thee thou shalt give unto him" (Deut. 15:13–14). This is not specified as a requirement here: "And then shall he depart from thee, both he and his children with him, and shall return unto his own family, and unto the possession of his fathers shall he return" (Lev. 25:41). Yet in both cases, the justification for the law was the former condition of the Israelites in Egypt: "And thou shalt remember that thou wast a bondman in the land of Egypt, and the Lord thy God redeemed thee: therefore I command thee this thing to day" (Deut. 15:15). "For they are my servants, which I brought forth out of the land of Egypt: they shall not be sold as bondmen" (Lev. 25:42).

1. A Judicial Distinction

What is the judicial distinction between the two conditions of household servitude? The Bible is not explicit, but the difference appears to relate to lawful immediate access to rural land. The poor man in Deuteronomy 15 was to be sent away with sheep, grain, and

wine. This indicates that he had a home to return to. The poor man in Leviticus 25 was to be sent back to his land only with his family. Nothing is said of his buyer's responsibility to provide him with any economic resources. His judicial status as a free man was his primary resource; his landed inheritance was his economic resource; and his family went free with him. This distinguished him from both the poor man who had defaulted on a zero-interest, morally mandatory charitable loan (Deut. 15:12) and the pagan slave who never departed, and whose children became the property of the Israelite who had bought him (Lev. 25:45–46).[2]

The poor man in Leviticus 25 had already been legally stripped of immediate access to his land. Until the jubilee, he became as a poor resident alien in the land. He did not own a home in a walled city. He was landless. But this landless condition was economic, not judicial. *His judicial status as a free man was guaranteed by his legal claim to his landed inheritance*. The jubilee year would reinstate him as owner and legal occupier of his family plot. He had no claim to his family's land in the present, but he had permanent title. The year of jubilee guaranteed this. But if he became a bondservant, he forfeited his judicial status as a freeman until he was released. He could no longer respond to a call to be numbered without his master's permission.

Unlike the foreign slave, who was the property of the family that bought him or inherited him, the temporarily landless Israelite in bondage had to be paid a wage by his Israelite master.[3] At the very least, he had to be treated as well as a hired man was treated. The hired man could walk away from a tyrant. The permanent slave could not. So, the master was not allowed to treat his Israelite servant in the way that he was allowed to treat his permanent heathen slaves.

But this distinction between freeman and slave does not explain why this case law required the owner to treat him as a hired servant. What was the distinguishing mark of the hired servant? Answer: he could walk away from the household of the man who hired him. To retain his services, the renter of his labor services had to pay him a wage.

2. Chapter 30.

3. The resident alien did not have to pay him a wage. This law did not apply to the resident alien, who was no brother. This gave the resident alien a competitive position in the market for Israelite servants. He could pay a higher price for the net value of expected stream of income, since the net was higher: no wage expense. This was not a civil law. Civil laws had to apply equally to all residents (Ex. 12:49). Gary North, *Authority and Dominion: An Economic Commentary on Exodus* (Dallas, Georgia: Point Five Press, 2012), Part 1, *Representation and Dominion* (1985), ch. 14.

2. Wages

This means that in order to obey this law, an Israelite master must have had to pay a wage to an Israelite bondservant. The master was to this extent not an owner but a renter of services. Yet the servant had been sold into servitude. We must examine the apparent discrepancy between these judicial conditions: owner vs. renter; bondservant vs. hired servant.

The wage was crucial to the servant. If saved, it was this money or goods that would serve as his source of re-capitalization in the year of jubilee. He did not have to be given anything at the time of his departure in the jubilee year, unlike the land-owning poor Israelite who had defaulted on a charitable loan (Deut. 15:14–15). He had to be paid a wage, also unlike the Deuteronomic (sabbatical) bondservant. The jubilee bondservant was under bondage for a much longer period than the Deuteronomic bondservant, except in the seventh cycle of sabbatical years that preceded the jubilee. He could amass more wealth through thrift because he had more years of bondservice in which to save.

This arrangement raises a significant question. If the buyer could go into the open market and hire an Israelite for a day, or a month, or a year, why would he buy a full-time hired servant? The latter had to be cared for in bad times, whereas a hired servant could be dismissed. The buyer's expected stream of net income had to reflect the costs of feeding, clothing, and housing the servant, in good times and bad, and also paying him a wage. Why would anyone bother to buy such a servant? Answer: the buyer was securing a permanent hired worker who could not legally depart in search of higher wages elsewhere or better working conditions elsewhere. What the buyer was securing was a hired servant who could not be bid away from the buyer's household. The servant could not leave at will. *He was placed within a legal boundary*: the household of the family that had purchased him. The buyer was buying a stream of labor services until the jubilee. The servant could not lawfully cut off this stream of service by walking away.

Did the owner-renter have to pay the bondservant a wage equal to that paid to a hired servant? The text is not explicit on this point. It says only that the Israelite must be treated as a hired servant. If a hired servant could leave at any time in response to a better offer, did the owner-renter have to match every offer? This seems unlikely, given the status of the bondservant as a member of the household un-

til redemption. The bondservant gained security; this always comes at a price. The price of security is the loss of entrepreneurial opportunities—in this case, the future prospects of renting one's services to another employer. So, the wages paid would have been discounted to compensate the owner-renter for the "lifetime (jubilee) employment contract" costs of employing the servant.

The legal option of liberty was always open: buying one's way out of bondage. But would he do this? This decision depended heavily on the owner's treatment. If his wages were high enough, he might do this. I conclude that wages that would not have enabled a man to buy his way out of servitude before the jubilee would have been judged as too low by a church court. But there was another factor that limited his personal exodus. The jubilee Israelite bondservant had no land to return to. He probably would have preferred the security of servitude, given the fact that his wages could accumulate to serve as his capitalization in the year of jubilee.

He was protected by law from exploitation. It is not clear whether the court with jurisdiction was civil or ecclesiastical. With respect to the requirement that he pay the servant a wage, it was ecclesiastical. The Bible does not designate the state as an agency that lawfully imposes positive sanctions. The state protects people from force and fraud by others.

F. "If He Be Sold Unto Thee"

The passive language indicates that the individual did not sell himself; he was *sold to* the buyer. Who would do this? A previous owner? No; the law stipulates that "he shall be with thee, and shall serve thee unto the year of jubile." He had to be taken care of. *He was not a commodity to be bought and sold at will.* He had been a local resident: "thy brother that dwelleth by thee." He did not expect to be sent away from the neighborhood.

The likelihood is that the man had been sold in order to pay a debt, but not a charitable debt, which would have been governed by Deuteronomy 15. Perhaps he had moved into a walled city to live. Perhaps he got involved in a business transaction that involved debt. The venture failed, and he was sold to pay off the debt. He would have been sold to the highest bidder, but the bidders would have been restricted by the market to residents of the walled city or the immediate surrounding area, or to someone living in the neighborhood close to the man's family plot. These were the people who knew him

and his capacities. There was not to be a large-scale market for Israelite servants in Israel. Servitude was personal, just as God's system of servitude is. Owners were supposed to know something about those whom they purchased.

It is possible that the man sold himself to the buyer in order to put aside money for his return to his land. This form of voluntary servitude was something like that of the voluntary servant of Deuteronomy 15: "And it shall be, if he say unto thee, I will not go away from thee; because he loveth thee and thine house, because he is well with thee; Then thou shalt take an aul, and thrust it through his ear unto the door, and he shall be thy servant for ever. And also unto thy maidservant thou shalt do likewise" (Deut. 15:16–17). The difference is that the jubilee form of bondservice allowed the servant to return to his land at the jubilee.

G. An Exception to the Law: Criminal Trespass

Wenham argued that the reason why a man was sold to another was to pay off a debt.[4] I agree. He cited as proof Exodus 22:3, a case law governing a criminal trespass: "The sun be risen upon him, there shall be blood shed for him; for he should make full restitution; if he have nothing, then he shall be sold for his theft." I disagree with this proof text for Leviticus 25:39–43. The reason why I disagree is this: *God does not subsidize evil.*

1. No Escape from Restitution

A criminal, seeing the approach of the jubilee year, might think to himself: "If I get away with this crime, I will benefit. If I do not get away with it, I will not have to remain in another man's service for very long. The larger the value of what I steal, the better the risk-reward ratio is." The closer to the jubilee year, the better the risk-reward ratio for crimes against property, if Wenham's interpretation is correct. The criminal's victim could not expect anything like double restitution from the sale of a criminal if the jubilee year was near. The stream of expected labor services would be cut off by the jubilee. Thus, the sale price of the criminal would be low. If the criminal was to be liberated at the jubilee, this legal arrangement would not only subsidize theft, it would subsidize high-value thefts. The victims would be penalized because of the liberation aspect of the jubilee year.

4. Gordon J. Wenham, *The Book of Leviticus* (Grand Rapids, Michigan: Eerdmans, 1979), p. 322.

My conclusion is that the year of jubilee did not apply to convicted criminals. Neither did the law mandating owners to treat Israelite bondservants as hired workers. Criminals were sold into slavery in order to repay their victims and meet God's judicial requirements. The most important issue was not the liberation of the criminal; rather, it was the maximization of the criminal's selling price, so that the victim would receive double restitution. The law of God does not discriminate against victims of crime in the name of liberation. The principle of victim's rights lies at the heart of the Bible's criminal justice system.[5] The criminal must have remained outside the protection of the jubilee, and therefore *outside the judicial status of citizen*, until he repaid his debt to his victim. He could regain his citizenship only when his debt was paid. His adult sons, however, could return to the family's land at the time of the jubilee. Their inheritance was not forfeited by their father's crime, for the sins of the father do not transfer to his children (Deut. 24:16). As redeemers, they might even have paid off his debt.

The biblical warrant for this interpretation is Israel's experience in the Babylonian captivity. God removed most of them from the land for 70 years. They had violated His sabbath year of release and the land's rest for 490 years (II Chron. 36:17, 21). God did not allow them to return to their individual patrimonies in the normal jubilee year. They were under criminal sanctions, repaying their victim: the land itself. They could not return to their patrimonies until the debt was repaid. They temporarily lost their judicial status as judges in the land.

2. The Price of Redemption

If my view is correct, then the closer the jubilee year, the larger the market for buying convicted criminals. As the legal term of service shortened for Israelite bondservants, and their market prices dropped accordingly, those in the market for long-term bondservants would have been forced increasingly to enter the market for heathen slaves and Israelite criminals.

Second, if I am correct about the unique inapplicability of the law governing the treatment of Israelite bondservants, the net return on an Israelite's investment in buying a convicted criminal would have equalled the return available to resident alien purchasers, who were

5. Gary North, *Authority and Dominion*, chaps. 34, 37–40, Appendix M. See also Gary North, *Victim's Rights: The Biblical View of Civil Justice* (Tyler, Texas: Institute for Christian Economics, 1990).

not under the terms of this law. The price for criminals would have tended to be higher than the price of other Israelite bondservants, assuming that the criminal was not violent. The price-depressing aspects of buying a criminal would have been offset in whole or in part by the higher rate of return: no requirement to pay him a wage. This, too, was a benefit to the criminal's victim: a higher sale price was more likely to assure him of his double restitution payment.

The questions arise: What was the proper redemption price? How long would he have to serve? Did he become a lifetime slave? If his kinsman-redeemer wanted to buy him out of bondage, how much did he owe the buyer? The prorated price of the jubilee year did not apply if he was not entitled to go out in the jubilee.

Let us consider modern business practice. If a man buys an interest-paying instrument at face value in order to receive a guaranteed income, and if the company issuing the bond possesses the right of redemption, the company must repay the face value of the bond in order to cancel the debt. The buyer has received guaranteed income from the asset in the meantime.

The economic difference between a bond and a bondservant is that the buyer is not sure how much net income the bondservant will produce. The bond pays a guaranteed rate of return. It is purchased at a discount from its face value. The discount is based on the prevailing rate of interest. The face value—redemption price—of the bond and today's rate of interest are known in advance. The price and the rate of return can be calculated.

There is no guaranteed rate of return for a bondservant. The buyer must estimate the future net income from a bondservant. Then he must discount this by the prevailing rate of interest. The higher the estimated net income, the higher the market price. But how long will he retain control over the bondservant? Unlike a bond, there is no fixed time period. Unlike a bondservant under the protection of the jubilee, there is no fixed time period. There must be a way to reduce the number of variables, so that the victim gets paid. But how?

The higher the estimated value of the criminal's productivity as a servant, the higher the price he will bring. This means that a criminal with a good work ethic is less likely to be able to escape servitude; his redemption price will be too high. This is contrary to biblical law: a subsidy for evil. There must be a way around this anomaly. But what?

The solution solves both problems: (1) too many variables and (2) the subsidy for evil. His legal redemption price must be limited by

the payment to the victim. The kinsman-redeemer must be allowed to buy him out of servitude for this payment. If a bidding war pushes the criminal's market price above this maximum restitution payment, who receives the extra money? Not the victim; he is not entitled to it. Not the state; it is not entitled to it. It must go to the criminal's account—money for his redemption. This puts a ceiling on the market price of criminals. A buyer is less likely to continue to bid if he knows that the criminal can use the money above the restitution payment to shorten his time of service. The extra money will make it less expensive for the man's kinsman-redeemer to put up the difference and buy him out of servitude. Conclusion: the purchase price of a convicted criminal on the competitive market for bondservants will not be significantly higher than the money owed to his victims. When this limit is reached, bidding will tend to cease as bidders drop out. This is as it should be: the punishment (servitude) should be proportional to the crime (damages produced).

But if he has no kinsman-redeemer who is willing to pay off his debt, he will remain in bondage forever. He cannot buy his way out. He has no assets and no way to earn any. The message is clear: an enslaved criminal needs a kinsman-redeemer who has both the assets and the willingness to sacrifice his own interests on behalf of his relative.

H. Holy War, Citizenship, and Liberty

A citizen is a person who has the authority to serve as a civil judge, declaring innocence or guilt. The Israelite bondservant's judicial status as a temporary slave removed his judicial status as a citizen. He could not serve as a civil judge during his period as a man bound to another man's household. He did remain an Israelite. He did possess post-jubilee title to his land. No text says the following, but my biblical law-immersed intuition tells me that for a man to become a bondservant was judicially the equivalent of having become a minor. An Israelite had become a slave in another man's house, under another's temporary authority. *Judicially, he had become a child.*

Citizenship in a holy commonwealth is the legal authority to declare or bring negative civil sanctions in God's name. The pre-eminent manifestation of this authority in pre-exilic Israel was service in the military: God's holy army. The army had the task of defending the boundaries of the land, i.e., keeping it holy, secure from foreign invaders. The army had to keep the land from being *profaned* by in-

vaders: boundary violators. To be a member of the army required the payment of redemption blood money at the time of the numbering of the nation immediately prior to a holy war (Ex. 30:12–13).[6] Circumcised Israelite males became eligible to serve at age 20 (Ex. 30:14).[7]

The Israelite slave had to treated as "as an hired servant," the text says. He had to be paid a wage by his Israelite master. He therefore had money to pay the redemption blood money to the priests. Did this give him the right to serve in the army? No; he was judicially a child even though he was over age 20. Only with his owner's permission could he serve in the army. He was not a free man; he was not a citizen.

Was a gentile slave who paid his redemption blood money and also fought for Israel in a holy battle subsequently released from bondage? Abram had fighting men (Gen. 14:14), but they did not receive automatic freedom. However, this was before the Abrahamic covenant was established (Gen. 15). It may be that in pre-exilic Israel, the willingness of a slave to risk his life in holy battle gained him his freedom, though not landed inheritance.[8] He became a citizen in a walled city. If nothing else, manumission might have been a bonus offered to him by his master. This view helps explain the considerable number of foreigners listed among David's 30 mighty men (I Chron. 12:3–6). It may also explain the presence in David's army of the most famous foreign officer of all, Uriah the Hittite.

What we do not know is whether these gentile slaves would have been required by law to wait until the jubilee year in order to receive their freedom. They surely could not have become citizens unless they continued to attend Passover, even though, as household slaves,

6. North, *Authority and Dominion*, Part 3, *Tools of Dominion* (1990), ch. 58.

7. My presumption is that David was under age 20 at the time of his confrontation with Goliath. This would explain why his brother regarded him as an observer rather than as a warrior at risk (I Sam. 17:28). David had not paid his redemption blood money. He was then authorized by Saul to serve as the army's representative in battle, but there is no mention of the required payment. This may have been an oversight on Saul's part, or perhaps Saul paid it for him. We are not told.

8. It is one of the most interesting facts about the American Civil War (1861–65) that in its final months, Southern leaders and generals began to discuss the possibility of granting freedom to any Negro slave who was willing to enlist in the Confederate army. But the South had gone to war to defend the region's right to slavery. With this public discussion, the war effort began to collapse. If the slaves could be trusted to defend the Confederacy, then the old myth of their innate status as children in need of supervision had been ludicrous. This called into question the legitimacy of the "peculiar institution" and the war to defend it. See Richard E. Berringer, *et al., Why the South Lost the Civil War* (Athens: University of Georgia Press, 1986), ch. 15.

they would automatically have been circumcised (Gen. 17:11–13). Circumcision was necessary but not sufficient to make an adult male a citizen. Attendance at Passover was mandatory. My view is that they and their families would have been released immediately after the cessation of military hostilities. This release had nothing to do with the jubilee. The release provisions of the jubilee year were uniquely associated with inheritance in the land, and the released gentile bondservant had no inheritance in the land. In any case, his owner would have had to consent in the first place to his enrollment in God's holy army.

The same rule governed the Israelite bondservant, whether a bankrupt or a convicted criminal. His owner had to consent to his military service. The owner may have had to pay his blood money fee for him—certainly this was the case with a criminal. I do not think any bondservant could be called into service by the state unless his owner consented. He was not his own man. He was the lawful property of another man until his debt was paid.

I. The Basis of Liberty

As New Covenant people, we have difficulty understanding the degree of importance associated with landed inheritance under the Mosaic economy. The connection between land and inheritance was extremely close. The question is: Was it unbreakable?

The section on the jubilee ends with these words: "For unto me the children of Israel are servants; they are my servants whom I brought forth out of the land of Egypt: I am the Lord your God" (Lev. 25:55). The legal status of later generations as *God's covenantal bondservants* rested on their ancestors' historical experience in the days of Moses: deliverance from bondage in Egypt. It also rested on the next generation's participation in the conquest of Canaan under Joshua. This participation was the legal foundation of landed inheritance in Mosaic Israel. From everything we find in this section of Leviticus, inheritance was the legal foundation of *every* aspect of the jubilee law. I see no exceptions. Even in the case of the enslavement of heathens (vv. 44–46), the judicial issue was perpetual inheritance, though not landed inheritance.

This raises a whole series of questions. Commentators rarely ask them, let alone answer them. This is why there has been so much confusion regarding the jubilee year among conservative evangelicals, and why liberation theologians have gotten away with exegetical murder.

1. Freemanship

First, who was a free man under the Mosaic law? There were degrees of freedom. Every resident of Israel was free from arbitrary law. The same civil law code applied to all men: "One law shall be to him that is homeborn, and unto the stranger that sojourneth among you" (Ex. 12:49).[9] But it is obvious that this principle of equality before the civil law did not apply to the jubilee law. The jubilee made a fundamental distinction between the resident who did not have an inalienable legal claim to landed inheritance and the resident who did. The resident who did have such a claim was identified by God as His servant.

There was only one way that someone who had not participated in either the exodus or the conquest could become God's servant, so defined: by adoption. God adopted Abram and his covenantal heirs, but the promised inheritance was not secured until Joshua's day. That is, *God's promise to Abraham was not fulfilled until Joshua's day*. The fulfillment of this promise (Gen. 15:16)[10] was God's proof in history of the reliability of His covenant and its promises. Adoption, promise, and inheritance were linked judicially in the Abrahamic covenant and the Mosaic Covenant.

2. Naturalization

Second, there were two forms of adoption: into a tribe (walled city) or into a family (rural land). The circumcised resident alien was offered the promise of citizenship for his heirs (Deut. 23:3–8): tribal adoption. The tenth-generation heir of a bastard Israelite was offered citizenship (Deut. 23:2): access into God's holy army. The supreme example was David, the ultimate holy warrior, the tenth-generation heir of Judah and Tamar (Ruth 4:18–22).[11]

Adoption for males was not automatic, except (probably) for those who volunteered for military service during a war. Presumably, three generations constituted the standard period of testing for most resident aliens (Deut. 23:8). This adoption must have been made in the name of the congregation, presumably by the local tribal congregation inside a walled city, but not by a specific family. Had citizenship been available only through adoption by a family, the naturalization

9. North, *Authority and Dominion*, ch. 14.

10. Gary North, *Sovereignty and Dominion: An Economic Commentary on Genesis* (Dallas, Georgia: Point Five Press, 2012), ch. 23.

11. On gaps in this genealogy, see Gary North, *Disobedience and Defeat: An Economic Commentary on the Historical Books* (Dallas, Georgia: Point Five Press, 2012), ch. 11:G.

laws would have forced a dilution of the landed inheritance of specific families. This would have been a mandatory program of economic disinheritance. No such program was mandated by the Mosaic law.

3. Criminals

Third, what about the criminal? The criminal lost his citizenship until the debt was repaid. He could not be numbered to fight in God's holy army until his debt was repaid; hence, he was not a citizen during this period. He was not a free man; hence, he was not a citizen. Having had civil judicial sanctions brought against him, he did not possess the right to participate as a civil judge, bringing the state's judicial sanctions on others. This restriction is not found any text, but it is inferred by the nature of citizenship: the lawful authority to bring God's civil sanctions against lawbreakers. Until the victim was repaid, or the buyer whose purchase had provided the funds was repaid, the judicial status of the criminal was that of non-citizen.

I argue that he also lost his claim to his family's land, and therefore lost his right to participate in the jubilee. That is, he did not automatically return to his land at the jubilee. This legal status did not apply to his adult male children. They could go back to the land at the jubilee if they broke with him publicly regarding his crime. They could then become his kinsman redeemers, which is another reason why they were allowed to return to the family plot. In this sense, *he could be adopted by his son or sons*. That is, he regained access to his forfeited inheritance through an act of redemption in his behalf.[12] Otherwise, the judicial status of the criminal as an heir in the jubilee was forfeited until his debt was repaid. Because he received no wage, his kinsman-redeemer had buy him out of servitude.[13]

J. Possession or Confession?

Another problem case is the adopted immigrant. When an Israelite adopted an immigrant, he was conveying a kind of manumission to him: *manumission prior to enslavement*. The covenantally faithful adopted person and his heirs could not be lawfully enslaved perma-

12. This is the judicial basis of the re-established inheritance of a portion of the sons of Adam. A son of Adam who was not under the negative sanction of forfeited citizenship had to break publicly with the crime of His earthly father, thereby reclaiming the inheritance on behalf of those whom He has chosen to redeem. This was the act of the supreme Kinsman-Redeemer, Jesus Christ, the last (second) Adam (I Cor. 15:45).

13. The New Covenant warns us: "The wages of sin is death" (Rom. 3:23). We are in need of grace from a kinsman-redeemer.

nently after the adoption except on the same basis that an Israelite could lose his citizenship and his inheritance, i.e., excommunication. This act of grace cost the adopting family something: the dilution of the sons' economic inheritance. It was a major step for a father with sons to adopt another son, at least in the period in which a few acres meant something economically to the heirs. This means that if God's covenantal blessings continued, and families grew large, the economic cost of adoption would decrease, since the economic value of the dilution of acreage would have been minimal.

The circumcised immigrant could become a citizen, or his heirs eventually could, through adoption by a tribe, probably in a walled city, but he had no claim to land distributed at the conquest. Only adoption into an Israelite family could provide land. The jubilee year therefore offered no unique economic benefit for him. Did it confer any judicial benefit? Yes. The heathen slave law was part of the jubilee law. The heathen slave law expressly stated that all inheritable slaves had to be purchased from heathens (Lev. 25:44–45).[14] This was the magna carta for the naturalized citizen. By breaking covenantally with heathendom, and by becoming a full citizen ready to serve as a holy warrior, the immigrant received a perpetual grant of manumission from inter-generational servitude. He could not be permanently enslaved inside Israel. The jubilee year therefore functioned as a year of release for every citizen, even those with no inheritable property.

The naturalized citizen could not hope to indebt himself by means of the collateral of an inheritable plot of land unless an Israelite family had adopted him. To this extent, he was less able to gain access to the market for loans. But with respect to his liberty, he could not lawfully be enslaved. Leviticus 25 does not say that the landless immigrant citizen would be released from debt bondage. The language is that of a return to the family's land. But because the slave law made it illegal to enslave an Israelite on an inter-generational basis, the jubilee year of release must have applied to the non-inheriting naturalized citizen. The trumpet announced release from bondage for every Israelite except the criminal.

K. Cross-Family Adoption

There were three ways out of slavery for gentiles. First, there was manumission, either as payment for physical brutality by his owner

14. Chapter 30.

or through voluntary manumission by his owner, but this would not automatically have freed his family (Ex. 21:2–4).[15] Second, there was legal adoption by his owner. This would have freed his family from the threat of bondage forever. There was a third way out: *adoption by another Israelite family*. This act of grace would have transferred the right of inheritance to him. He and his family would then go out in the jubilee.

This aspect of the Mosaic law is never discussed by the commentators, yet it was fundamental to the redeeming work of Jesus Christ. *Adoption by one household head could liberate other men's slaves*. In fact, if one man had been willing to divide his sons' landed inheritance to the point of no economic return, he could have freed every slave in Israel. He would not even have been required to purchase the liberated slaves in order for them to receive their freedom at the jubilee. The moment he adopted them, they would have become *heirs of his estate*, meaning heirs of his judicial status. They would have become *citizens of Israel* at the next jubilee. No heir of the conquest could be legally kept in slavery beyond the jubilee year. This act of universal adoption would have made the liberator very unpopular, as we can easily imagine, but it was always a legal option under the Mosaic covenant. The most likely candidate to do this was a man with abolitionist sentiments and without biological heirs.

Would he have owed the slave owners anything? Only for the time remaining until the jubilee. This prorated payment would have become progressively smaller as the jubilee year approached. In the year of jubilee, he would have owed them nothing. There was only one exception to this rule: the criminal who had been sold into slavery to pay his victim. In this case, his owner had to be repaid fully before the slave could be released. The buyer had paid a price based on the amount of restitution the criminal owed to the victim, not the prorated value of his services until the jubilee. The criminal was not protected by the jubilee. God's law does not subsidize crime. So, in order for the redemption to be secured through adoption, the adopting redeemer would have had to pay to the owner whatever the owner had paid to the criminal's victim.

It is understandable why Israel may never have invoked the jubilee. *Had it been honored, almost every slave owner's investment would have been at risk*. All it would have taken to free all the gentile slaves in Israel was for one lawful heir to decide that the per capita economic

15. North, *Authority and Dominion*, ch. 31.

value of his children's landed inheritance was worth forfeiting for the sake of a single mass adoption.

There was such a man. His name was Jesus. He publicly declared the judicial intent of His ministry by announcing the availability of liberation through adoption into His family (Luke 4:18–21).[16] The result was predictable: the slave-owners and their accomplices killed Him. With the death of the Testator came the inheritance: judicial liberation.[17] But because of the jubilee law, this deliverance had to await the blowing of the trumpet at the next jubilee year: on the tenth day of the seventh month, the day of atonement (Lev. 25:9), *yom kippur*. I agree with James Jordan that this final jubilee year came three years after the crucifixion, in the same year as the inauguration of Paul's ministry to the gentiles.[18] On that historic *yom kippur*, God released from judicial bondage every gentile slave in Israel who had publicly professed faith in, and subordination to, the New Covenant's head of household.[19] Because Old Covenant Israel refused to honor this

16. Gary North, *Treasure and Dominion: An Economic Commentary on Luke*, 2nd ed. (Dallas, Georgia: Point Five Press, [2000] 2012), ch. 6.

17. "For where a testament is, there must also of necessity be the death of the testator. For a testament is of force after men are dead: otherwise it is of no strength at all while the testator liveth" (Heb. 9:16–17).

18. James B. Jordan, "Jubilee, Part 3," *Biblical Chronology*, V (April 1993), p. 2.

19. It would not surprise me in heaven to learn that Stephen's stoning took place on the day of atonement. Christ, the slain Passover lamb, asked God to forgive His executioners (Luke 23:34). Similarly, Stephen's last words were: "Lord, lay not this sin to their charge" (Acts 7:60). If he was in fact the symbolic purification offering for the day of atonement (Lev. 16), Stephen's words would have been appropriate, paralleling the words of the symbolic Passover lamb. As required by the laws of sacrifice governing the day of atonement, the Jews killed one goat, Stephen, but the scapegoat, present at the execution, was soon to wander into the wilderness, bringing the message of liberation to the gentiles: Paul.

Lest it be thought that no execution could lawfully take place on the day of atonement, consider Joseph ibn Migash, a Jewish judge who had an informer executed on a day of atonement that fell on a sabbath. A modern Jewish legal scholar remarks that this action "shows how sacred a duty the elimination of informers was conceived by great judges." Haim H. Cohn, "Informer," *The Principles of Jewish Law*, ed. Menachem Elon (Jerusalem: Keter, [1975?]), col. 508. An informer is defined as "a Jew who denounces a fellow-Jew to a non-Jew, and more particularly to non-Jewish authorities, thereby causing actual or potential damage. . . . It is no defense to a charge of informing that the person denounced is a sinner and wicked, or has caused the informer grief or harm—no informer will ever have a share in the world to come." *Ibid.*, col. 507.

Immediately preceding his execution, Stephen had publicly charged the Jews with murder because of their betrayal of Jesus to the Romans. "Which of the prophets have not your fathers persecuted? and they have slain them which shewed before of the coming of the Just One; of whom ye have been now the betrayers and murderers" (Acts 7:52). In other words, *Stephen charged them with having been informers to the Romans, betraying a fellow Jew to the gentiles*. This is one reason—I believe the main one—why they

adoption, having killed the adopter instead, God destroyed Old Covenant Israel.[20]

As I said, there was one exception to manumission through outside adoption: the criminal who had been sold into slavery to repay his victim. The adopter would have had to pay the owner's purchase price plus anything still owed to the victim. In the case of Jesus Christ, He made this supreme payment to the victim, God the Father, who had placed all of mankind into servitude because of man's rebellion in the garden.

This should end the debate over whether a man needs to profess the Lordship of Christ in order to be saved. A regenerate person has no choice but to profess Christ's comprehensive lordship. He cannot lawfully partake in the jubilee inheritance without this profession. But because of God's mercy, this oath can be taken for him representatively, either by his parents when they offer him for baptism as an infant or when he voluntarily consents to baptism after infancy. Whether the oath is verbally professed or not, it is an inescapable aspect of God's covenant. There is no lawful inheritance apart from this subordination to the head of the church. There is therefore no liberation apart from such a confession.

To keep Christian slaves in bondage beyond that final jubilee year was a crime. Furthermore, all slaves who claimed Jesus' universal offer of adoption into His family after this jubilee year would have to be released at the next jubilee. But the fall of Jerusalem 37 years after this final jubilee year ended the temple's Passover system and the land inheritance system established by the Mosaic covenant. There would never again be a God-authorized jubilee. Thus, the fall of Jerusalem ended the legality of Mosaic slavery forever.

Conclusion

The jubilee law established protection for poor Israelites who were sold into servitude. This servitude was mild, requiring the masters to pay wages to their Israelite servants. It required them to treat these people as they would treat a hired servant who could leave an employer who was abusive.

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took the risk of breaking Roman law by executing him themselves without a Roman trial. To have taken him to the Roman authorities would have constituted an act of informing, thereby confirming his accusation against them. As historian Michael Grant has written, they participated either in the equivalent of an unauthorized lynching or a deliberately illegal execution by the Council of Jerusalem. Michael Grant, *The Jews in the Roman World* (New York: Dorset, 1973), p. 116.

20. David Chilton, *The Great Tribulation* (Ft. Worth, Texas: Dominion Press, 1987).

The jubilee law established a legal distinction between a free man and a heathen slave. The pre-exilic heathen slave had no right to jubilee freedom, for he was not eligible for military service. He was outside the civil covenant. The legal basis of citizenship was adoption, either by a tribe or a family. A woman was adopted by marriage to an Israelite, e.g., Rahab and Ruth. This was adoption into a family. Citizenship was automatic with adoption.

Citizenship was possible for male gentile converts to the covenant. This judicial promise was carried out by tribes. This might take as long as ten generations (Deut. 23:2); it might take as few as three (Deut. 23:7–8). Once they became citizens, they could not be permanently enslaved (Lev. 25:44–46).[21] The heathen slave law served as a magna carta of liberty for the naturalized immigrant. He could achieve full legal status as a citizen despite the fact that he had no inheritance in the land. Citizenship was by confession, circumcision, and numbering in the holy army. But it was not granted overnight by a tribe.

Jesus Christ was the ultimate Heir, the promised Seed (Gal. 3:16), the One for whom the Mosaic system of tribal inheritance had been created. It was He who announced the jubilee year (Luke 4:18–21). It was He who offered men adoption into His family (John 1:12). It was He who paid the debts of the criminals He adopts into His family. Instead of a hole in the ear drilled by an awl at the doorway of an Israelite's household (Ex. 21:6), baptism is the new mark of adoption. The New Covenant's jubilee year of release was the final jubilee for Old Covenant Israel.

21. Chapter 30.

30

SLAVES AND FREEMEN

Both thy bondmen, and thy bondmaids, which thou shalt have, shall be of the heathen that are round about you; of them shall ye buy bondmen and bondmaids. Moreover of the children of the strangers that do sojourn among you, of them shall ye buy, and of their families that are with you, which they begat in your land: and they shall be your possession. And ye shall take them as an inheritance for your children after you, to inherit them for a possession; they shall be your bondmen for ever: but over your brethren the children of Israel, ye shall not rule one over another with rigour.

LEVITICUS 25:44–46

The theocentric principle undergirding this law is simple to state, but difficult for modern man to accept: God is the cosmic slavemaster. This is the issue of hierarchy: point two of the biblical covenant model.[1]

A. Permanent Slaves

The text must be taken literally. First, Israelites could buy slaves from other nations. These people were already slaves according to the laws of their own nations. The Israelites did not make them slaves; they merely changed the slaves' residence: new boundaries. Second, the Israelites could buy slaves from among strangers residing in the land. But there was no authorization to buy slaves from other Israelites. This means that slaves in one Israelite family could not be sold to another family. They became part of a family's permanent inheritance.

1. Ray R. Sutton, *That You May Prosper: Dominion By Covenant*, 2nd ed. (Tyler, Texas: Institute for Christian Economics, [1987] 1992), ch. 2. Gary North, *Unconditional Surrender: God's Program for Victory*, 5th ed. (Powder Springs, Georgia: American Vision, [1980] 2010), ch. 2.

There is no question about it: Mosaic law legalized inter-generational slavery. If Leviticus 25:44–46 is still binding, then the enslavement of those who not part of the covenant by those who are is legal in God's eyes. Enslaved converts who make a profession of faith after their enslavement, or the descendants of slaves, would still remain permanently bound. But no Bible commentator today wants to conclude such things, unlike almost all commentators, Jews and Christians, up to the 1750s. The exegetical question facing every Bible commentator is this: Has this law been explicitly annulled by the New Covenant? If not, then on what explicitly biblical ethical basis is it no longer binding?

Modern man rebels against this thought, just as he rebels against the thought of an eternal lake of fire: no exit from God's cosmic torture chamber. Even Christians are squeamish about this. They prefer not to think about its implications. They also do not like to think about the fact that God's Mosaic law authorized slavery, but it did. In fact, the decline of Western man's faith in the reality of eternal damnation loosely paralleled the decline of his faith in the moral legitimacy of slavery.

Prior to the 1750s, virtually the whole world believed in the moral legitimacy of slavery. The ideal of abolition came quite late to Western Civilization, in the era of the Enlightenment.[2] Yet it was not Enlightenment rationalists who proposed the idea. It was only with the decision of a handful of members of the Society of Friends (Quakers) that the ideal of abolition as morally obligatory began to be spread by an identifiable organized group. This began at the Philadelphia Yearly Meeting in 1758. The group agreed to cease doing business with members who bought or sold black slaves. In 1761, the London Yearly Meeting ruled that Quaker slave dealers should be disowned. Professor Davis comments on the remarkable speed with which slavery fell out of favor after millennia of acceptance:

> As late as the 1770s, when the Quaker initiative finally led to a rash of militant antislavery publications on both sides of the Atlantic, no realistic leader could seriously contemplate the abolition of New World slavery—except, on the analogy with European slavery and serfdom, over a span of centuries. Yet in 1807, only thirty-four years after a delegation of British Quakers had failed to persuade the Lord of Trade to allow Virginia to levy a prohibitive tax on further slave imports, Britain outlawed the African slave trade. Twenty-six years later, Britain emancipated some 780,000 co-

2. In some cultures, most notably Islamic, the idea has yet to take deep root.

> lonial slaves, paying 20 million pounds compensation to their supposed owners. Only ninety years separated the first, cautious moves of the Philadelphia Quakers from the emancipation edicts of France and Denmark (1848), which left Brazil, Cuba, Surinam, and the southern United States as the only important slaveholding societies in the New World. It was barely a century after the founding of the London Society for Effecting the Abolition of the Slave Trade (1787), sixty-one years after the final abolition of slavery in New York State (1827), that Brazil freed the last black slaves in the New World. . . . From any historical perspective, this was a stupendous transformation. . . . From the distance of the late twentieth century, however, the progress of emancipation from the 1780s to the 1880s is one of the most extraordinary events in history.[3]

In *Tools of Dominion*, I devoted over one hundred pages to a discussion of the biblical theology of slavery.[4] It would be unwise for me to reproduce that chapter here. It was appropriate to include such a discussion in a book dealing with the case laws of Exodus, because the case laws begin with a consideration of the purchase of a slave (Ex. 21:2–6). Slaves on their way out of a generation of servitude and into freedom would have been interested in a law governing slavery. I here reprint part of that chapter, but with modifications noted by the brackets.

B. The Economics of Israelite Slavery[5]

The jubilee land tenure law, *when enforced*, made it impossible for any family to amass permanently large land holdings. It is usually assumed by commentators that the jubilee land law was never enforced, but this is debatable. The sabbatical year of rest for the land was clearly not enforced, which was the reason God gave for sending Israel into captivity (Jer. 50:34; I Chron. 36:21).[6] The jubilee land law was tied to the sabbatical year: it was to follow the seventh sabbatical year (Lev. 25:8–9). Nevertheless, the repeated unwillingness of Israelites to sell their land to those outside the family, most notably

3. David Brion Davis, *Slavery and Human Progress* (New York: Oxford University Press, 1984), p. 108.

4. Gary North, *Tools of Dominion* (Tyler, Texas: Institute for Christian Economics, 1990), ch. 4.

5. *Ibid*., pp. 140–44.

6. The sabbatical year was honored in the inter-testamental era. In 162 B.C., during his brief one-year reign, King Antiochus V (Eupator) "made peace with the people of Bethsura, who abandoned the town, having no more food there to withstand a siege, as it was a sabbatical year when the land was left fallow" (I Macc. 6:49, NEB).

Naboth's refusal to sell his land to King Ahab (I Kings 21), indicates that the state must have enforced some sort of prohibition against the permanent sale of a family's land. Ahab stole Naboth's inheritance. Jezebel had him accused of blaspheming God and the king (I Kings 21:13), but this would not have been sufficient to disinherit Naboth's children or at least his nearest kinsman. The king had to steal the land (vv. 15–16). What may have taken place was the continuing refusal of greedy owners to rest their land one year in seven, but also the insistence of heirs that the jubilee year be honored, at least with respect to the redistribution of family land. Both decisions are consistent with the assumption of land hunger in a predominantly agricultural economy.

1. Small Plots of Land

A family could lease a neighboring piece of property for up to half a century, but then it reverted to the original family. We know that large families are a sign of God's covenantal blessing (Ps. 127:3–5). The larger that Israel's families grew in response to the nation's covenantal faithfulness to God, the smaller each family's inherited land holding would become. This made it economically impossible for any branch of a family to amass a large number of heathen slaves during periods of God's covenantal blessings, for it was illegal to amass permanently the large tracts of land that were necessary for the support of slaves.[7]

Thus, at the beginning of each jubilee year, when all land holdings reverted to the heirs of the original land-owners, most [rural] heathen slaves would have been released [or sold] by their owners, whether or not the law allowed them to retain ownership of them indefinitely. Heathens were allowed to buy homes in walled cities, where the jubilee land laws did not apply (Lev. 25:29–33). Those heathens who remained in slavery would have been parceled out among inheriting Israelite children when the heirs returned to their share of the family's traditional lands, thereby reducing the possibility of large-scale slave gang labor. It would also have increased the likelihood of manumission: freedom for slaves whose economic productivity, without large land holdings, would have dropped sharply. In other words, by reducing Israel's per capita capital (land), the jubilee land tenure law

7. Patrick Fairbairn, *The Revelation of Law in Scripture* (Grand Rapids, Michigan: Zondervan, [1868] 1957), p. 118.

was designed to reduce agricultural labor productivity in Israel.[8] This was the whole idea: *to encourage covenantal dominion outside the land by encouraging Israelite emigration*.

This economic link between the size of land holdings and the economic feasibility of large-scale gang slavery is the simplest explanation for God's inclusion of the heathen slave laws within the section of Leviticus that presents the jubilee land tenure laws. One possible reason why the Bible offers no example of the nation's honoring of the jubilee land distribution laws is that politically influential owners of large slave gangs recognized that the economic value of their slave holdings would be reduced drastically if they had to return their land to the original families. Thus, any significant increase in the inter-generational slavery of heathens would have testified to a refusal by the judges to enforce the original jubilee land distribution agreement that had been agreed to by all the tribes prior to the conquest. A growing population of permanent foreign slaves would therefore have been a visible warning to Israel that they were disobeying God's law. This was the same visible warning that God had given to Egypt (Ex. 1:12, 20).

Slavery very clearly was not supposed to become a major institution in Israel. The larger the population grew—a promised blessing of God—the more valuable the land would become: increased demand. The more expensive the land became, the less would be the return from economic rents produced by an investment in slaves. Free laborers and tenant farmers would compete to work at low wages and low returns. By lowering the economic return from slaves, this law was designed to reduce the demand for slaves.

[There was a way around this limitation: some form of cooperative agriculture. If family members pooled their rural inheritances operationally, allowing a common administrator to employ slaves, larger plots could have been maintained. But the gangs of slaves that were common to the American South prior to 1865 were employed only on large plantations, which could not exist in Israel when the jubilee was enforced.]

Without cheap land, or increasingly productive land, permanent agricultural slavery is unlikely to be maintained long term.[9] Under circumstances of increasing land scarcity, the reasons for holding slaves would then be more consumption-oriented than produc-

8. The law of diminishing returns applied to labor: too much labor in relation to land.

9. Evsey D. Domar, "The Causes of Slavery or Serfdom: A Hypothesis," *Journal of Economic History*, XXX (1970), pp. 18–32.

tion-oriented: slaves as status symbols, i.e., consumer goods rather than producer goods.

2. The American South's Fertile Land

Because chattel slavery remained profitable in the American South prior to 1860, there is no need to resort to the thesis of slaves as merely status symbols. They were status symbols, surely, but they were also profitable. Where, then, was the South's cheap land, if this economic thesis is correct? There is evidence that it was the continuing development of the fertile lands in the West South Central region of the South—Alabama to east Texas—that kept slave prices high throughout the South, since slave owners who owned less fertile lands could profitably export slaves to the region with more fertile lands.[10] But if cheap land is basic to profitable slavery, did the slave owners in the British West Indies suffer losses when land became scarce? The tentative answer is yes, since it was only when new land could be brought under cultivation that the Caribbean economies grew. The Genoveses wrote: "Thus, as early as the period 1670–90, overproduction plunged the sugar economies of Brazil and the Caribbean into crises that ruined both planters and their creditors. The pattern recurred many times. . . . When Caribbean sugar production ran afoul of market gluts, the ensuing crises led to a shift of resources to fresher land in newly developed colonies. Thus, one factor, 'land,' alone accounted for the regional economy's ability to survive the periodic purges of the market generated by the tendency toward overproduction."[11] They concluded: "So long as land remained available at prices unthinkably low by European standards—so long as colonial settlers faced empty spaces or spaces that could be emptied by a controlled dose of genocide—resources would be shifted, and the grim wastefulness of the system as a whole would remain disguised."[12]

10. This was an important aspect of the argument by Alfred H. Conrad and John R. Meyer in their classic 1958 article, "The Economics of Slavery in the Antebellum South," Part III, *ibid.*, reprinted many times. There is not much debate about this: Stanley L. Engerman, "The Effects of Slavery upon the Southern Economy: A Review of the Recent Debate," in Hugh G. J. Aitkin (ed.), *Did Slavery Pay?* (Boston: Houghton Mifflin, 1971), pp. 318–20. Both essays are reprinted here, as they are in Robert W. Fogel and Stanley L. Engerman (eds.), *The Reinterpretation of American Economic History* (New York: Harper & Row, 1971).

11. Elizabeth Fox-Genovese and Eugene D. Genovese, *Fruits of Merchant Capital: Slavery and Bourgeois Property in the Rise and Expansion of Capitalism* (New York: Oxford University Press, 1983), pp. 45–46.

12. *Ibid.*, p. 44.

What we must recognize is that the whole economic thrust of the jubilee land tenure laws, when coupled with God's promise of population growth for national obedience, was *to push the Israelites out of the Promised Land*, and therefore outside the geographical boundaries where the jubilee land law, including its slave laws, operated. The jubilee law's goal was world missions and covenantal dominion, not the permanent enslavement of heathens inside tiny Israel.[13]

Neither the Roman Republic nor the Roman Empire, as a pagan society already in spiritual bondage, came under the terms of the jubilee land tenure law. That law applied to Israel because of the specific terms of the *military spoils system* of land distribution that families had agreed to prior to Israel's invasion of Canaan (Num. 36). Rome developed the latifundia, the huge family land holdings that apparently supported the slave gang system. The Roman land tenure system may not actually have produced slave gangs, if land holdings were divided into smaller units within the latifundia. Scholars still debate the issue. In any case, a legal order that permits the long-term amassing of inheritable land, and does so through such restrictions on inheritance as *primogeniture* (eldest son inherits) and *entail* (the prohibition against the permanent sale of a family's land), makes economically possible the creation of huge plantations.[14] Such permanent, inheritable land holdings, if accompanied by a legal order that permits lifetime slavery, can lead to the creation of slave gangs whenever market conditions make gang labor profitable. On the other hand, whenever the legal principle of "all sons inherit" or "all children inherit" is enforced, it becomes nearly impossible to create an agricultural economy that is based on the widespread *family* ownership of large gangs of slaves. Such was to have been the case in ancient Israel, for the eldest son was limited to an inheritance of only a double portion of his father's assets (Deut. 21:17). . . .

C. Slavery and Hell[15]

The doctrine of perpetual slavery is nothing special when compared to the doctrine of eternal damnation. In fact, perpetual slavery is an institutional testimony to the reality of eternal damnation. It should

13. Gary North, *Authority and Dominion: An Economic Commentary on Exodus* (Dallas, Georgia: Point Five Press, 2012), Part 1, *Representation and Dominion* (1985), ch. 1.

14. So, for that matter, does corporate ownership of land, either by ecclesiastical or state agencies, or by a corporate distribution of share ownership.

15. North, *Tools of Dominion*, pp. 166–68.

direct the slave's attention to the fate of his eternal soul. (It should also direct the master's attention to the same issue.) *Slavery was designed by God to be a means of evangelism in the Old Testament*. The question can therefore legitimately be raised: Is it a means of evangelism in New Testament times? For instance, why did Paul send the runaway slave Onesimus back to his master Philemon (the Epistle to Philemon)? But anyone who dares raise this obvious question today faces the verbal wrath of Christian pietists and antinomians everywhere, not to mention secular humanists.

Slavery embarrasses Christians, yet earthly slavery can sometimes offer hope. Eternal slavery is hopelessness incarnate. Eternal slavery—without productivity, without hope of escape, and with perpetual pain—is a good description of hell. Is it any wonder that the doctrine of eternal damnation is de-emphasized in preaching today? Is it any wonder that God is spoken of mostly as a God of love, and seldom as the God of indescribable eternal wrath? D. L. Moody, the turn-of-the-century American evangelist, set the pattern by generally refusing to preach about hell. He made the preposterous statement that "Terror never brought a man in yet."[16] That a major evangelist could make such a theologically unsupported statement and expect anyone to take him seriously testifies to the theologically debased state of modern evangelicalism. It has gotten no better since he said it.

Consider the theological implications of Moody's statement. God created the place of eternal terror. He revealed His plans concerning final judgment in the New Testament, unlike the Old, which is very nearly silent concerning the details of the afterlife. If God does not intend that the terror of final judgment bring people to repentance, then hell is exclusively a means of God's vengeance, for supposedly it in no way brings anyone to repentance this side of death. Moody was implicitly arguing that there is no grace attached in history to the doctrine of hell; therefore, hell must be exclusively a means of punishment. But nothing in the creation is exclusively a means of punishment for those still living. There is grace to living men in every act of God and in every biblical doctrine. There *is* grace attached to the doctrine of hell; people sometimes *do* get scared into repentance. Any warning of imminent judgment before God's final judgment can serve as a means of personal or institutional restoration. All judgments in history are simply testimonies to the coming final judgment,

16. Cited by Stanley N. Gundry, *Love Them In: The Proclamation Theology of Dwight L. Moody* (Chicago, 1976), p. 99.

and therefore all of God's temporal judgments offer both cursing and blessing.[17]

God punishes deceased covenant-breakers forever, not in order to reform them, but because they refused to be reformed by God's saving grace in history. Hell is not a reform school; it is a place of eternal retribution.[18] God therefore holds ethical rebels in perpetual slavery. God is in this sense *the Cosmic Slaveholder*. Rebels beyond the grave do not work in order to please this Cosmic Slaveholder; they are stripped of the power to work, for labor is an aspect of dominion. They serve Him exclusively as recipients of His incomparable wrath. We may not like the idea, but this is what He says He has done and will do. No one ever escapes God's eternal slave system if he departs from this life as a moral slave to Satan rather than a moral bondservant to God. There is no "underground railroad" out of slavery in hell. This is why Christians offer the gospel of salvation to rebels against God: to enable them to escape eternal punishment and eternal slavery to the Sovereign Master of the eternal fiery whip.

In history, we are either involuntary slaves to God or voluntary bondservants to God. Both conditions are permanent beyond the grave. We either serve Him willingly in history, openly acknowledging our status as unprofitable servants in His covenantal household,[19] or else beyond this life we will experience perpetual lashes from His judgmental whip as eternal slaves without hope. There is no middle ground. There is no alternative scenario. Being a bondservant to God is the essence of freedom. Being a slave to God is the essence of hell. Choose this day which condition of servitude you prefer. . . .

D. Jesus' Annulment of the Jubilee Land Laws[20]

The fulfillment of the jubilee year by Jesus at the outset of His ministry (Luke 4:17–21) made plain the liberating aspects of the rule of Christ in history.[21] He announced His ministry with the reading of Isaiah 61, "to preach delivery of the captives" (Luke 4:18). His inten-

17. Sutton, *That You May Prosper*, ch. 4. North, *Unconditional Surrender*, ch. 4.

18. I have written in greater detail regarding the biblical doctrine of hell in my Publisher's Epilogue to David Chilton's book, *The Great Tribulation* (Ft. Worth: Dominion Press, 1987).

19. "So likewise ye, when ye shall have done all those things which are commanded you, say, We are unprofitable servants: we have done that which was our duty to do" (Luke 17:10). See North, *Treasure and Dominion*, ch. 41.

20. North, *Tools of Dominion*, pp. 144–47.

21. Gary North, *Liberating Planet Earth: An Introduction to Biblical Blueprints* (Ft. Worth, Texas: Dominion Press, 1987).

tion was clearly the spiritual liberation of His people, and this leads to progressive maturity in the faith, which in turn is supposed to lead to liberation out of chattel slavery, *if offered by the owner* (I Cor. 7:21b). We have our "ears pierced" (Deut. 15:17) spiritually by Christ; we become permanent adopted sons of His household. Yet even in the case of Leviticus 25, God's goal was always liberation. These pagans were being purchased out of their covenantal slavery to demonic religion. They were being *redeemed* (bought back). They were being given an opportunity to hear the gospel and see it in operation in households covenanted to God. They were being given an opportunity to renounce paganism and thereby escape eternal slavery in the lake of fire.

Obviously, if the legal provision that allowed Israelite families to retain the lifetime services of heathen slaves, as well as to transfer ownership of the heathens' children to the Israelites' children, is severed from the jubilee land tenure law, then the economic possibility of establishing slave gangs becomes a reality. The legal restriction against the permanent amassing of land disappears. Thus, to argue that the lifetime slave-holding provisions of Leviticus 25 were not an integral part of the jubilee land tenure system is to argue that the history of chattel slavery in the West was in principle sanctioned by the Bible. I am arguing the opposite: *the lifetime slave-holding provisions of Leviticus 25 were an integral aspect of Israel's jubilee land tenure laws, and therefore when God annulled the latter, He also annulled the former*. By transferring legal title to His kingdom to the gentile world (Matt. 21:43), and by visibly annulling Israel's legal title to the land of Palestine at the time of the fall of Jerusalem in A.D. 70,[22] God thereby also annulled the Israelite land tenure laws. What had been a God-approved spoils system for a unique historical situation—the military conquest of Canaan by Israel—became a dead letter of biblical law after the fall of Jerusalem.

Constantine announced in 315 that slaves who had been condemned to work in the mines or as gladiators were to be branded on the hands or legs, not on the face.[23] This act of comparative charity led the owners, who had formerly branded their slaves, to have metal collars put around their slaves' necks. Clearly, Constantine was no abolitionist. Later legislation under Christian rulers in Rome and Byzantium was not noted for any tendency toward abolitionism.

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22. David Chilton, *The Days of Vengeance: An Exposition of the Book of Revelation* (Ft. Worth, Texas: Dominion Press, 1987). Cf. Chilton, *Great Tribulation*.

23. *Theodosian Code* 9:40:2; cited in Finley, *Ancient Slavery and Modern Ideology* (New York: Viking, 1980), p. 127.

The Christian West did not honor God's abolition of permanent slavery through Christ's fulfillment of the jubilee year. The Renaissance revived the example of the Roman Empire: reinstituting slavery to farm sugar plantations—a new agricultural development—in the second half of the fourteenth century.[24] The Western hemisphere's plantations from the fifteenth century onward, and especially the American South in the nineteenth century, made slave gang agriculture profitable again. The church did not recognize that God no longer allows His people and those under His civil covenant the legal right to amass slaves and deed them to the next generation.

It was the creation of huge land grants in Virginia especially, but also in other southern colonies in the United States, from the late seventeenth century through the eighteenth, that initially made economically possible North American Negro slavery, with its extensive use of gang labor. The Virginia legislature repeatedly made land grants to politically favored families of many thousands of acres per family.[25] In New England, the towns did not make such huge land grants. They multiplied towns rather than allowing individual families to amass huge tracts of land.[26] Without large plantations, slave gang labor was not economically feasible in the New England area. While New Englanders were heavily involved in the slave trade as owners of shipping facilities and as investors in the sea trade, they were seldom owners of slaves.[27] In 1652, Rhode Island actually passed a law against Negro slavery, but there is no evidence that the law was ever enforced. Newport, Rhode Island, became the center of the slave trade in the next century.[28]

E. The Ethics of Slavery

An Anglo-American economic historian is tempted to dwell on the economics of Anglo-American slavery and Anglo-American abolition-

24. Davis, *Slavery and Human Progress*, pp. 59–66.

25. Leonard Woods Larabee, *Conservatism in Early American History* (Ithaca, New York: Cornell University Press Great Seal Books, [1948] 1962), pp. 32–36.

26. John W. Reps, *Town Planning in Frontier America* (Princeton, New Jersey: Princeton University Press, [1965] 1969), ch. 5; Sumner Chilton Powell, *Puritan Village: The Formation of a New England Town* (Garden City, New York: Doubleday Anchor, [1963] 1965), chaps. 2, 8, 9; Kenneth A. Lockridge, *A New England Town: The First Hundred Years* (New York: Norton, 1970), pp. 10–13, 70–72.

27. Winthrop D. Jordan, *White Over Black: American Attitudes Toward the Negro, 1550–1812* (Chapel Hill: University of North Carolina Press, 1968), pp. 66–71.

28. Charles M. Andrews, *The Colonial Period of American History*, 4 vols. (New Haven, Connecticut: Yale University Press, [1936] 1964), II, p. 30.

ism in relation to Anglo-American capitalism, topics whose scholarly literature seems to grow exponentially year by year.[29] But the far more important and more lasting question is the relationship between Christianity and slavery, which in the context of the post-medieval West, is related to the question of Christianity and racism. Here is a blot on the church of Jesus Christ that appears, in retrospect, to be the product of an incomparable moral blindness, yet for many centuries it was not recognized as such by Christianity. Of course, it was also not recognized to be a blot on Judaism, Islam, or any other major religion. Slavery throughout man's history was universal until the nineteenth century. But because the United States fought a civil war over the question of the constitutional legality of abolitionism (1861–65), and also because the United States was (and remains) the nation in which Protestant fundamentalism has had the largest representation, the issue of the close connection between Bible-affirming Protestantism and Negro slavery refuses to go away. Forrest G. Wood, a dedicated and self-conscious secular historian and the son of a conservative Protestant family, has described this Christian racist mentality well: the arrogance of faith.[30] What went wrong?

What went wrong, as I argued in *Tools of Dominion* and also argue here, was the refusal of Christians to take seriously the full implications of Jesus Christ's annulment of the jubilee laws (Luke 4). When the jubilee ceased, the only legitimate biblical justification for permanent servitude also ceased. But Christians have not taken seriously either the jubilee year or its New Covenant annulment. Those few who do take it seriously, if only as an ethical model, generally deny that it has been completely annulled forever. This blindness toward the Mosaic law, its context, and its functions led to the near-universal acceptance by the church of the moral legitimacy of slavery.

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29. Seymour Drescher, *Capitalism and Antislavery: British Mobilization in Comparative Perspective* (New York: Oxford University Press, 1987); Christine Bolt and Seymour Drescher (eds.), *Anti-Slavery, Religion, and Reform* (Hamden, Connecticut: Archon, 1980); David Eltis, *Economic Growth and the Ending of the Transatlantic Slave Trade* (New York: Oxford University Press, 1987); Roger L. Ransom, *Conflict and Compromise: The Political Economy of Slavery, Emancipation, and the American Civil War* (New York: Cambridge University Press, 1989); Barbara L. Solow (ed.), *Slavery and the Rise of the Atlantic System* (New York: Cambridge University Press, 1991); Robert William Fogel, *Without Consent or Contract: The Rise and Fall of American Slavery* (New York: Norton, 1989). A week before I completed this chapter, Fogel was awarded half of the one million dollar 1993 Nobel Prize in economics, which he shared with economic historian Douglas North (no relation).

30. Forrest G. Wood, *The Arrogance of Faith: Christianity and Race in America from the Colonial Era to the Twentieth Century* (New York: Knopf, 1990). On his self-conscious secularism, see page xx.

1. A Southern Baptist Defends Slavery

In 1856, less than a century after the decision of the Philadelphia Quakers to place negative economic sanctions on those members of their fellowship who owned slaves or trafficked in them, Rev. Thornton Stringfellow, a Baptist from Virginia, wrote a widely distributed essay, "A Scriptural View," in which he appealed to the Bible in defense of slavery. Rev. Stringfellow appealed to Abraham's ownership of servants, Joseph's enslavement of the Egyptians during the famine, and Job's ownership of servants. He also appealed to Leviticus 25:45–46. He noted that not one prophet arose in Israel to challenge the legitimacy of involuntary heathen slavery.[31] He went on to argue: "It is from God himself; it authorizes that people, to whom he had become *king and law-giver*, to purchase men and women as property; to hold them and their posterity in bondage; and to will them to their *children as a possession forever; and more, it allows foreign* slaveholders to *settle* and *live among them*; to *breed slaves* and *sell them*."[32]

This is correct but misleading. Leviticus 25 did not authorize the breeding of slaves for sale by citizens of the holy commonwealth. When an Israelite household bought a slave, that slave had to remain in the household of that family until he died, or was released voluntarily, or was disfigured through battery by the owner, or was adopted by another Israelite household. The same was true of the slave's children. Leviticus 25:44–45 is clear: Israelites could buy slaves only from foreigners, either outside the nation or resident aliens dwelling inside the nation's borders. Thus, even on the assumption that this law was still in force, no one in the American South who claimed to be a United States citizen could lawfully appeal to this text to justify breeding slaves for sale.

Stringfellow saw that the previous Levitical law, which prohibited the Israelites from compelling their fellow Israelites from serving as permanent bondservants, is proof that the heathen slave could be treated differently under the Mosaic law's provisions. The Israelite servant went out in the jubilee.[33] Having said this, Stringfellow then went to the New Testament: "I affirm then, first, (and no man denies,) that Jesus Christ has not abolished slavery by a prohibitory

31. Thornton Stringfellow, "A Scriptural View of Slavery" (1856), in *Slavery Defended: The Views of the Old South*, ed. Eric L. McKitrick (Englewood Cliffs, New Jersey: Prentice-Hall, 1963), p. 92.

32. *Ibid.*, pp. 92–93.

33. *Ibid.*, p. 93.

command: and second, I affirm, he has introduced no new moral principle which can work its destruction, under the gospel dispensation; . . ."[34] He referred to several passages in Peter's and Paul's epistles that give rules to servants.[35] He ignored Luke 4:18–23.

2. Judicial Continuity

A hundred and one years later, Professor John Murray of Westminster Theological Seminary wrote this Politically Incorrect statement: "But though slavery as the property of one man in the labour of another is not intrinsically wrong, it does not follow that we ought to seek to perpetuate slavery. Though the Scripture exercises an eloquent reserve in refraining from the proscription of the institution, and though it does not lay down principles which evince its intrinsic wrong, nevertheless the Scripture does encourage and require the promotion of those conditions which make slavery unnecessary."[36] Lest he be mistaken for a would-be confessor to Simon Legree, he wrote in a footnote: "The thesis that slavery is not intrinsically wrong does not in the least justify the 'gigantic evils' frequently accompanying the institution." He praised William Wilberforce and his evangelical Clapham Sect of the late eighteenth and early nineteenth centuries.[37] But Murray's exposition is, theologically speaking, a mild-mannered, guarded, but nonetheless unmistakable condemnation of nineteenth-century abolitionism: the only abolitionism that any American remembers. On the question of slavery, Wilberforce was an absolutist; it was his moral absolutism that attracted his followers and steeled their will to do political battle in England for over four decades, despite seemingly impervious political resistance. The Clapham Sect would have rejected Murray's exposition as in principle on the side of the slave holders. Abolitionism's goal, after all, was abolition. It was not the reform of slavery that Wilberforce called for, but its permanent, universal abolition by civil law.

Murray did not refer to Leviticus 25. Had he done so, he would have raised a whole series of issues that he was not prepared to discuss in a short chapter on labor. The main issue that he did not choose to raise was the question of *judicial continuity*. If slavery has not been judicially annulled by the New Testament, then by what judicial standard should civil judges evaluate the legitimacy or illegitimacy of any

34. *Ibid*., p. 94.

35. *Ibid*., pp. 95–97.

36. John Murray, *Principles of Conduct: Aspects of Biblical Ethics* (Grand Rapids, Michigan: Eerdmans, [1957] 1964), p. 100.

37. *Ibid*., p. 101n.

particular instance of permanent slavery? He stated plainly that the abolitionist impulse is not biblical. This question then becomes theologically inescapable: *By what standard*? By what standard are specific cases of slavery to be judged?

Murray was skirting the issue, just as several generations of Christian ethicists have skirted it. Prior to the American Civil War, the Calvinist scholar Moses Stuart of Andover Seminary in 1835 appealed to Leviticus 25:44–46 as the proof text that refuted the Christian abolitionists' claim that slavery is sinful in itself.[38] Yet Stuart personally regarded slavery as an institution that should and would gradually fade away without legislative pressure. His position was morally ambiguous.[39] He was not alone in his ambiguity.

During the Civil War, *Bibliotheca Sacra*, the Andover journal, published three essays by Elijah P. Barrows, whose exegetical strategy was to ignore the Old Testament texts on slavery and then claim that the New Testament's ethic was against it. He moved from the text to an alleged Gospel spirit.[40] This was close to the Christian abolitionists' pre-War view.

Charles Hodge, the leading conservative Presbyterian theologian in America, 1825–1877, author of *Systematic Theology* (1871–72), took an even more neutral position than Stuart's prior to the War: slavery as not sinful in itself, but subject to legislative reforms to do away with certain evil aspects of slavery as then practiced.[41] When the Southern congregations in 1861 seceded from the Northern Presbyterian Church, both the Old School and the New School denominations, thereby matching the secession of the Southern states from the United States, Hodge wrote five *Princeton Review* essays critical of Southern slavery, calling for its abolition, but still he refused to say that the Bible condemns slavery. He appealed to nationalism instead.[42] This theological compromise led to the destruction of Old School Presbyterianism after its reunion of the pro-abolition New School wing in 1869.[43] In 1875, biblical higher criticism began to invade the United

38. Robert Bruce Mullin, "Biblical Critics and the Battle Over Slavery," *Journal of Presbyterian History*, LXI (Summer 1983), p. 215. Cf. J. H. Giltner, "Moses Stuart and the Slavery Controversy: A Study in the Failure of Moderation," *Journal of Religious Thought*, XVIII (1961), p. 31.

39. *Ibid.*, pp. 216–17.

40. *Ibid.*, p. 220.

41. *Ibid.*, pp. 218–19.

42. *Ibid.*, pp. 221–22.

43. Gary North, *Crossed Fingers: How the Liberals Captured the Presbyterian Church* (Tyler, Texas: Institute for Christian Economics, 1996), ch. 1.

States and its theological seminaries. Mullin wrote of the Unitarians' response to the Calvinists' exegetical ambivalence on slavery: "Bound by their dogmatic presuppositions and their belief that the Bible contained a perfect moral law, they were unable to deal with the biblical ambivalence towards slavery. The obvious solution . . . was to abandon the belief in the infallibility of Scripture, and instead to acknowledge the historical relativity of the biblical record."[44]

Here is the exegetical problem: if there is unmodified judicial continuity between the Mosaic law and today, then there is no biblically legitimate justification for the compulsory abolition of chattel slavery. This conclusion would also involve pulling into the New Covenant era all the other laws governing slavery. The ethicists shudder at this prospect. Most of them remain prudently silent. Others search for a principle of judicial discontinuity, but they never find it. Why not? Because they do not analyze contextually the only law in the Bible that authorizes inter-generational chattel slavery. What is its context? The jubilee laws.

F. The Jubilee Context

It is my contention that the laws governing permanent heathen slaves were an unbreakable part of the jubilee laws. If I am correct, this means that the exegetical case in favor of the annulment of the heathen slave laws rests on the New Testament's annulment of all of the jubilee laws. It is also my contention that if the heathen slave laws are not subsumed under the jubilee laws, then there is no New Testament case for the abolition of chattel slavery. On the contrary, abolitionism itself would be anti-biblical, since the Mosaic law clearly authorized slavery. Abolitionism's universal condemnation of slavery would then go against the Bible's authorization of a certain type of inter-generational chattel slavery. Abolitionism would then be sinful, which John Murray refused to write but obviously believed.

There are Christian social analysts today, on the right and the left, who call for the reintroduction of the jubilee laws. The conservatives want the jubilee's law regarding debt repudiation, while the liberationists want its laws of land redistribution, which they think should be applied to all forms of privately owned (but never state-owned) property. No one, however, is publicly calling for the restoration of inter-generational chattel slavery. This is a typical example of smor-

44. Mullin, p. 222.

gasbord Christianity: "A little of this, a little of that, but not *that* over there, certainly; I never touch the stuff."

To understand the law of inter-generational heathen slavery, we first must understand the purposes of the jubilee law. Its overriding purpose was judicial: to create an inter-generational link between the families and tribes of the conquest with their heirs, culminating in the advent of the promised Seed.

Citizenship was by covenant: by circumcision and by participation in the national feasts, especially Passover. But this was not sufficient; household slaves also were circumcised (Gen. 17:12–13) and participated in the Passover (Ex. 12:44). *What identified a citizen in Israel was his eligibility for numbering in the army of Israel.* This made him a free man, or as citizens are often called, a freeman. Who was eligible? Adult circumcised men who were: (1) members in good standing in the church, and (2) not under bondage. This would have included circumcised men who lived in walled cities, whether or not they owned real estate, and heirs of the original families that conquered Canaan. *An inheritance in rural land was a covenant-keeper's guaranteed legal status as a freeman.* He could permanently lose this civil status only through ecclesiastical excommunication, i.e., covenant-breaking.

The naturalized citizen was no less a citizen. He could not be enslaved even though he had no inheritance in the land. The inheritance proved that a man was a citizen, but it was not necessary that every citizen have an inheritance. The inheritance was proof of citizenship; it was not the only proof. Proof of adoption was equally valid.

What this points to is *the centrality of the doctrine of adoption in Israel's civil order*. The doctrine of adoption was placed by Ezekiel's revelation at the center of Israel's history. Israel had been adopted by God as His wife.

> Now when I passed by thee, and looked upon thee, behold, thy time was the time of love; and I spread my skirt over thee, and covered thy nakedness: yea, I sware unto thee, and entered into a covenant with thee, saith the Lord God, and thou becamest mine. Then washed I thee with water; yea, I throughly washed away thy blood from thee, and I anointed thee with oil. I clothed thee also with broidered work, and shod thee with badgers' skin, and I girded thee about with fine linen, and I covered thee with silk. I decked thee also with ornaments, and I put bracelets upon thy hands, and a chain on thy neck. And I put a jewel on thy forehead, and earrings in thine ears, and a beautiful crown upon thine head. Thus wast thou decked with gold and silver; and thy raiment was of fine linen, and silk, and broidered work; thou didst eat fine flour, and honey, and oil: and

> thou wast exceeding beautiful, and thou didst prosper into a kingdom. And thy renown went forth among the heathen for thy beauty: for it was perfect through my comeliness, which I had put upon thee, saith the Lord God (Ezek. 16:8–14).

For the convert to Judaism, adoption was the only way into guaranteed legal status as a free man. This could be family adoption. An Israelite family could adopt him and give him a portion of the family's inheritance. This is why the Jews were furious with Jesus' gospel of redemption: *it offered full legal status as free men to any person through adoption*. They understood exactly what He was doing legally. Paul wrote of his brethren in the flesh: "For I could wish that myself were accursed from Christ for my brethren, my kinsmen according to the flesh: Who are Israelites; to whom pertaineth the adoption, and the glory, and the covenants, and the giving of the law, and the service of God, and the promises; Whose are the fathers, and of whom as concerning the flesh Christ came, who is over all, God blessed for ever. Amen" (Rom. 9:3–5). The Jews had been the adopted ones, and now the gentiles would be, too. All of this liberating judicial inheritance would come to the gentiles through adoption by Christ. He was offering them liberation through His redemption. *He was buying them out of slavery*—slavery to sin above all, but also slavery in the broadest sense.

Christians should acknowledge that *Jesus Christ was the ultimate abolitionist*. He paid the slaves' ultimate Owner the price required: the sacrifice even to death of a perfectly righteous man. But because those redeemed by Christ have been legally adopted, *they can never again fall into the ultimate judicial status of servitude: sin and eternal death*. "And we know that all things work together for good to them that love God, to them who are the called according to his purpose. For whom he did foreknow, he also did predestinate to be conformed to the image of his Son, that he might be the firstborn among many brethren" (Rom. 8:28–29). The issue is *judicial immunity*: "Who shall lay any thing to the charge of God's elect? It is God that justifieth. Who is he that condemneth? It is Christ that died, yea rather, that is risen again, who is even at the right hand of God, who also maketh intercession for us" (Rom. 8:33–34).

G. Slavery as a Model of Sin

Heathen residents of Israel could be permanently enslaved to repay their debts. The presence of permanent slaves in Israelite households was a visible testimony of what it means to be outside the inheritance

of God. Slave status was like a permanent sign in front of a person's eyes: "No Exit." This was the representative mark of eternal punishment. There is no exit for Adam's heirs apart from adoption into the family of God through Jesus Christ, the firstborn Son. The Seed—the culmination of the Abrahamic promise—lawfully inherited the land. Elect gentiles are heirs of this promise. But the focus of this promise is liberation from sin. Those who trust in the law for their inheritance are disinherited, replaced by those adopted by grace. This is why Jesus' message outraged the Jews. Paul spelled out the message in its judicial context: *promise, inheritance, and seed*. He began his discussion with the redeemed person's escape from the imputation of Adam's sin.

> Blessed is the man to whom the Lord will not impute sin. Cometh this blessedness then upon the circumcision only, or upon the uncircumcision also? for we say that faith was reckoned to Abraham for righteousness. How was it then reckoned? when he was in circumcision, or in uncircumcision? Not in circumcision, but in uncircumcision. And he received the sign of circumcision, a seal of the righteousness of the faith which he had yet being uncircumcised: that he might be the father of all them that believe, though they be not circumcised; that righteousness might be imputed unto them also: And the father of circumcision to them who are not of the circumcision only, but who also walk in the steps of that faith of our father law, but Abraham, which he had being yet uncircumcised. For the promise, that he should be the heir of the world, was not to Abraham, or to his seed, through the righteousness of faith. For if they which are of the law be heirs, faith is made void, and the promise made of none effect: Because the law worketh wrath: for where no law is, there is no transgression. Therefore it is of faith, that it might be by grace; to the end the promise might be sure to all the seed; not to that only which is of the law, but to that also which is of the faith of Abraham; who is the father of us all, (As it is written, I have made thee a father of many nations,) before him whom he believed, even God, who quickeneth the dead, and calleth those things which be not as though they were. Who against hope believed in hope, that he might become the father of many nations; according to that which was spoken, So shall thy seed be (Rom. 4:8–18).

It was Jesus Christ who sacrificed His lawful inheritance in the Promised Land in order to bring His brethren through adoption into the family of God. The son of David abandoned His lawful inheritance for the sake of His elect. In doing this—delivering to them the promised inheritance—He gave them their irrevocable judicial status as freemen.

It is worth noting that the judicial precedent for this act was Joseph's decision to forfeit his status as the namesake of a tribe of Israel for the sake of his Egyptian sons, Ephraim and Manasseh (Gen. 48). His father Jacob acquiesced to this transfer of inheritance: the name. Jacob thereby adopted into his household the foreign-born sons of an Egyptian mother: gentiles. Thus, even prior to the announcement regarding the promised Seed, Shiloh (Gen. 49:10), there had been an adoption by the patriarch which disinherited his son for the sake of this beloved son's gentile sons. Joseph, the kinsman-redeemer of Israel/Jacob, was the primary redemptive model in the Old Covenant for Jesus, the Kinsman-Redeemer of the New Israel in the New Covenant.

H. Outraged Slave Owners

This had always been the threat to slave owners in Israel: a man might adopt another man's slave as his own son, thereby providing him with a lawful inheritance. This legal status as an adopted son could not be taken away except through ecclesiastical excommunication, and even then, his sons would inherit.[45] At the sound of the trumpet in the jubilee year, the adopted slave would go free. It was the sound of the trumpet in the jubilee year that invoked every heir's legal status as a free man.

There was nothing that a slave owner could do to prevent this. If a lawful heir to the original conquest was willing to dilute his descendants' *economic* inheritance, he could share with anyone an undiluted *legal* inheritance. The point of the jubilee land law was not that it promised the heir a guarantee of some sort of economic future. Rather, it identified him and his descendants as free men. This was the ultimate form of civil liberation that any foreigner could hope for: to be an adopted son of a citizen of Israel. This grant of liberation could be offered to any slave. But there was no way that the slave could purchase this judicial grant of liberty. He had nothing of his own to give in exchange. His liberation was the result of an act of grace on the part of a head of an Israelite household.

The possibility of "formerly heathen" slave liberation always ex-

45. To inherit, the sons of an excommunicated man would have had to renounce their father's act of rebellion. In the case of a man who became a eunuch while in slavery, the law is silent regarding his sons. It seems to me that their father's legal status at the time of their conception would have been legally determinative. They would have inherited at the jubilee.

isted, but we have no record of any non-Levite who reduced his sons' economic inheritance for the sake of liberating his own slaves or other men's slaves through adoption. This indicates that God's covenant blessing of population growth was not granted for very long, and men clung to their few acres of land in the expectation that it was really worth more than the liberation of other men's slaves.

The slave, of course, could refuse this offer of liberation. He might prefer bondage to liberation, servitude to inheritance. If you regard this possibility of refusal as being so unlikely that it must be the speculation of a madman, consider the response of millions of sin-cursed slaves to the message of the gospel. They will not accept Christ's offer of liberation. They know that there are three conditions attached to this offer of freeman's status: acceptance of the adopting man's name; lifetime subordination to a priesthood; taking personal responsibility for one's actions. So it would have been in Mosaic Israel. First, the adopter would have a bad reputation among slave owners: the destroyer of the value of the lawful inheritance of slave-owning families. Second, the legal status of a freeman in Israel could be lost through excommunication. Third, his economic condition could sink quite low if he was incompetent.

But wouldn't a gentile slave have regarded these conditions as mild compared to lifetime servitude for himself and his heirs? Probably. Then what about an Israelite slave? But how could there have been any Israelite slaves? Didn't the jubilee law protect them from slavery? Not if they suffered excommunication and then fell into servitude through an economic crisis or some other negative sanction. This scenario is exactly what Jesus was threatening the Jews with if they rejected His offer of adoption: *excommunication, negative sanctions, and slavery*. He was the true High Priest who could lawfully excommunicate God's enemies, an authority that He demonstrated when He used whips against the money changers in the temple. Did Jews heed His warning? Not many did. Did they assent to being adopted by Him? Not many did. But gentiles did.

I. Biblical Law: Death and Resurrection

At this point, I ask myself: Could there be any Christian who has read this far and still not understand what the jubilee law was all about? Then I ask myself: Why do the commentators emphasize the jubilee law's economic inheritance and its supposed ramifications, applications, and implications? Why have expositors who are masters

of Hebrew, with years of experience, failed to recognize what is so incredibly obvious that it screams at the reader? The moment anyone puts three obvious pieces together, he concludes that any predominantly economic interpretation of the jubilee is ridiculous. The three pieces are: (1) God's covenantal blessing of population growth; (2) a fixed supply of rural real estate; (3) an ever-shrinking economic inheritance in rural land under the conditions of covenantal blessing. I ask myself: Why has this not been obvious? Why (as far as I know) am I the first expositor who has seen all this?[46]

The most important factor in exegeting specific Old Testament laws is a presupposition: *the Mosaic law is a coherent system that culminates in the work of Jesus Christ*. Some Mosaic laws were buried with Him; others were resurrected with Him. Seed laws, food laws (priestly), and land laws stay buried. They are replaced, respectively, by the law of spiritual adoption, the Lord's Supper, and the worldwide kingdom of God. Once a person understands this simple preliminary set of hermeneutical rules, it takes only a little imagination and some attentive Bible reading to make sense of God's law.

This is not to say that making the real-world applications is easy. This may take a lifetime of study in just one field. But the judicial principles are easy to understand, and not very difficult to become familiar with.[47]

Conclusion

My conclusion in chapter 4 of *Tools of Dominion* is my conclusion here, which I reprint below. I must add here an observation regarding freemanship. A freeman was eligible to serve in God's holy army. A slave was not a freeman. The jubilee law identified freemen: heirs of the original conquest. But they were not the only freemen in Israel. Circumcised resident aliens could be adopted by the tribes governing walled cities and by rural families.

Economically, the jubilee inheritance law, if enforced, would have tended toward the manumission of heathen slaves. The net cost of owning slaves would have grown high as the size of inherited agricultural parcels shrank in response to a growing population. The same would also have been true in walled cities. Thus, we must regard

46. If there have been others, their observations have not been picked up by the major commentators.

47. This is why God required that the Mosaic law be read to the assembled nation one year in seven (Deut. 31:10–13).

the judicial aspect of the heathen slave law as more important than the economic: the Mosaic law's identification of freeman status for land-owning heirs of the conquest, so long as they remained members of the ecclesiastical covenant.

When Jesus annulled the jubilee laws, He annulled the heathen slave law. He removed the judicial basis for inter-generational slavery. In this sense, Jesus was an abolitionist. While it took the church over 17 centuries to begin to preach abolition, this legal and moral position was nevertheless implied by the abolition of the jubilee law. When covenantal freemanship no longer tied in any way to landed inheritance within the boundaries of Israel, but came exclusively through spiritual adoption into God's family, there was no longer any covenantal purpose for inter-generational heathen slavery. There was also no longer any covenantal purpose for geographical Israel.

As for the economics of the heathen slave law, the Conclusion in *Tools of Dominion* suffices.[48]

Servitude exists because sin exists and because God's judgments in history and eternity also exist. This was Augustine's argument a millennium and a half ago, an argument that was old when he offered it: *slavery is one of God's penal sanctions against sin*.[49] Richard Baxter warned slave owners in 1673: "If their sin have enslaved them to you, yet Nature made them your equals."[50]

Covenant theology teaches that slavery is an inescapable concept. Slavery's positive model is the indentured servant who buys his way out of poverty, or who is released in the sabbatical year or jubilee year. He learns the skills and worldview of dominion. He becomes self-governed under God, a free man. Slavery becomes a means of liberation when coupled with biblical ethics. The fundamental issue, as always, is ethical rather than economic. His ability to buy his way out is indicative of a change in his ethical behavior.

Slavery's negative model is God's judgment of covenant-breakers throughout eternity. He consigns them first to hell and then, at the resurrection, to the lake of fire (Rev. 20:14–15). God places people

48. North, *Tools of Dominion*, pp. 203–6.

49. Augustine, *City of God,* Book 19, Chap. 15. Cf. R. W. Carlyle and A. J. Carlyle, *A History of Medieval Political Theory in the West*, 6 vols., 2nd ed. (London: Blackwood, [1927] 1962), I, p. 113.

50. Richard Baxter, *A Christian Directory* (London: Robert White for Nevil Simmons, 1678), Part II, *Christian Oeconomicks*, p. 71. The first edition appeared in 1673.

on the whipping block, and then He flogs them forever. Of course, what they actually experience for eternity is far more horrifying than the comparatively minor inconvenience of an eternal whip. I am only speaking figuratively of whips; the reality of eternal torment is far, far worse than mere lashes. Thus, the legal right of some people to enslave others under the limits imposed by God's revealed law is based on the ultimate legal right of God to impose eternal torment on covenant-breakers. Biblical servitude is a warning to sinners as well as a means of liberation.

What I am arguing is simple: *it is not chattel slavery as such that appalls most covenant-breakers and their Christian ideological accomplices; rather, it is the doctrine of eternal punishment*. The denial of the New Testament doctrine of eternal punishment, above all other denials, is the touchstone of modern humanism. It is this doctrine, above all others, that humanists reject. They stand, clenched fists waving in the air, and shout their defiance to God, "You have no authority over us!" But He does. They proclaim, "There is no hell!" But there is. And the lake of fire will be even worse.

For all his protests, modern man nevertheless still accepts the legitimacy of slavery. Humanists understand implicitly that the right to enslave others is an attribute of God's sovereignty. They declare the state as the true God of humanity, and then they proclaim the right of the state to enslave men.[51] They have created the modern penal system, with its heavy reliance on imprisonment, yet have rejected the criminal's obligation to make restitution to the victim. They allow murderers to go free after a few years of imprisonment or incarceration in a mental institution, to murder again, for humanists are unwilling to allow the state to turn the murderer's soul over to God as rapidly as possible, so that God may deal with him eternally. They regard man as the sovereign judge, not God. They have invented the slave-master institution of the modern prison, while they have steadily rejected the legitimacy of capital punishment. Better to let murderers go free, humanists assert, than to acknowledge covenantally and symbolically that the state has a heavenly judge above it, and that God requires human judges to turn murderers over to Him for His immediate judgment, once the earthly courts have declared them guilty as charged.

The humanist abolitionist tries to put God in the dock. He tries to put the state on the judgment throne of God. What he hates is the

51. Libertarian anarchists are exceptions to this rule, since they do not acknowledge the legitimacy of the state.

Bible, not slavery as such. The question is never slavery vs. no slavery. The question is: *Who will be the slave-master, and who will be the slave*? Autonomous man wants to put God and His law in bondage. On judgment day, this strategy will be exposed for the covenant-breaking revolution that it has always been. The abolitionists will then learn what full-time slavery is all about. It is a lesson that will be taught to them for eternity.

The spiritual heirs of Pharaoh's Hebrew agents (Ex. 5:20–21) are with us still. Christians are in spiritual and cultural bondage to the theology of the power religion, and therefore to the state. They must prepare for another exodus, meaning they should be prepared to experience at least a share of the preliminary plagues, just as the Israelites of Moses' day went through the first three out of 10. It is nevertheless time to leave Egypt, leeks and onions notwithstanding.

We must be prepared for numerous objections from Pharaoh's authorized and subsidized representatives inside the camp of the faithful. They owe their positions of influence to Pharaoh and his taskmasters, and they will not give up their authority without a confrontation. They will complain that their potential liberators are at fault for the increased burdens that Christians suffer (Ex. 5:20–21). They will continue to sing the praises of the welfare state. They will continue to sing the praises of tax-supported "neutral" education. They will tell the faithful that humanist slavery is freedom, and biblical freedom is barbaric. They will attract many followers within the camp, for there will always be camp followers close by any army. Choose this day whom you will serve.

31

MANDATORY REDEMPTION UPON PAYMENT

> *And if a sojourner or stranger wax rich by thee, and thy brother that dwelleth by him wax poor, and sell himself unto the stranger or sojourner by thee, or to the stock of the stranger's family: After that he is sold he may be redeemed again; one of his brethren may redeem him: Either his uncle, or his uncle's son, may redeem him, or any that is nigh of kin unto him of his family may redeem him; or if he be able, he may redeem himself. And he shall reckon with him that bought him from the year that he was sold to him unto the year of jubile: and the price of his sale shall be according unto the number of years, according to the time of an hired servant shall it be with him. If there be yet many years behind, according unto them he shall give again the price of his redemption out of the money that he was bought for. And if there remain but few years unto the year of jubile, then he shall count with him, and according unto his years shall he give him again the price of his redemption. And as a yearly hired servant shall he be with him: and the other shall not rule with rigour over him in thy sight. And if he be not redeemed in these years, then he shall go out in the year of jubile, both he, and his children with him. For unto me the children of Israel are servants; they are my servants whom I brought forth out of the land of Egypt: I am the* Lord *your God.*
>
> LEVITICUS 25:47–55

The theocentric meaning of this passage is that deliverance out of bondage is an act of God's grace. The central figure in biblical redemption is the *kinsman-redeemer*, who in the Mosaic Covenant was the closest relative to the person who has been sold into bondage. The kinsman-redeemer was also the blood avenger (Num. 35:12). He was an agent of sanctions, point four of the biblical covenant model.[1]

1. Ray R. Sutton, *That You May Prosper: Dominion By Covenant*, 2nd ed. (Dallas, Georgia: Point Five Press, [1987] 1992), ch. 4. Gary North, *Unconditional Surrender: God's Program for Victory*, 5th ed. (Powder Springs, Georgia: American Vision, 2010), ch. 4.

As an agent, he was part of a hierarchy, point two of the biblical covenant model.[2] The two points are always linked.

A. Payment and Liberation

The universal redemption of Israelite freemen out of bondage was to be automatic in the fiftieth year, the jubilee year. On the day of atonement in the jubilee year, the day on which the ram's horn sounded, no Israelite heir of the original conquest could lawfully be kept in bondage except for criminals and those who, through renunciation of the covenant or by excommunication, had lost their judicial status as freemen.

This law added another way of escape for the Israelite bondservant: *redemption by his kinsman-redeemer*. The first form of redemption—the jubilee—required no payment to a slave owner; the second did. The first was based on judicial inheritance; the second was based on personal grace by the nearest of kin.

Why would anyone have sold himself to a resident alien? Because he had finally run out of income. This raises another question: Had he already leased his land to another? I think he had. The sabbatical year system of morally mandatory interest-free charitable loans would have protected a person with a farm to return to. Defaulting on this kind of loan, he would have sold himself to another Israelite to repay it. His temporary owner then had to care for him and his family, although without paying him wages, and then was required to give him food and animals in the sabbatical year (Deut. 15:14–15). This implies that the man in year seven owned his own land to return to with his new flock. But the man in Leviticus 25 was in such desperate straits that he had to sell himself and his family into bondage until the next jubilee year. He would not be entitled to assets out of his master's capital at the end of his term of service. He had become a stranger in the land. This was only permitted by God until a kinsman-redeemer bought him back, or until he could buy his way out of bondage, or until the jubilee's trumpet sounded. But the foreigner was under no obligation to pay him a wage. The made the Israelite slave especially helpless.

B. God's Designated Agents

The kinsman-redeemer was God's designated agent of family redemption. He was the one who had the primary authority to buy back a

2. Sutton, ch. 2. North, ch. 2.

close relative who had been forced to sell himself into bondservice.[3] That someone in his family had been reduced to such a desperate, humiliating act was a mark of family shame. It was such a shameful thing that a kinsman-redeemer would have felt some degree of moral obligation to make the purchase. But, as we shall see, there were also economic incentives involved.

An Israelite was supposed to serve God as God's designated agent in Old Covenant history. If an Israelite fell under the family authority of a resident alien, this would interfere with his service to God. A covenant-breaker would become an economic intermediary standing between God and the Israelite.

Why was the resident alien allowed to buy an Israelite? Because he had been economically successful. Verse 47 identifies the nature of his success: "And if a sojourner or stranger wax rich by thee. . . ." His wealth not only enabled him to buy an Israelite; it authorized him to do so. The Mosaic law recognized that covenant-breakers sometimes possess skills that are more effective in meeting the demands of consumers than those possessed by covenant-keepers. These skills may be able to be imitated. By subordinating themselves to the authority of a rich resident alien, the poor Israelite and members of his family were placed in an educational relationship under an economically productive family. The Mosaic law acknowledged that it was better to be under the authority of an economically successful covenant-breaker than to live a life of economic failure, i.e., bankruptcy.

This indicates that God wants His people to be economically productive. He was willing to have covenant-keepers subordinate themselves to covenant-breakers as a means of educating covenant-keepers in the techniques of wealth accumulation. This education was a positive sanction of bondage.

C. Customer Authority

Nothing is said in this passage that would have prohibited another Israelite from buying the poor man. What is affirmed is that the resident alien could also enter the market. He was authorized by God's law to become a competitive bidder in the market's auction for the poor Israelite's labor services. This raised the market price of these services. Why did God allow this? First, in order to allocate scarce labor services according to the demand of customers. Second, in or-

3. I use the word *slavery* to refer to the permanent enslavement of heathens.

der to enable the poor Israelite to become a more efficient economic agent of customers. He had to become the subordinate agent of a covenant-keeper—a rich one. He would have to hew wood and draw water in a covenant-breaker's household until the day of his redemption. He would learn from the most aggressive bidder in the local market.

The covenant-breaker, acting as the *economic* agent of customers was allowed to purchase the capitalized labor services of covenant-keepers in order to meet the demands of customers. The scarce economic resource of labor would then be channeled into goods and services that were demanded by customers. What this means is that *preserving customer authority in Israel* was more fundamental in God's law than preserving freeman legal status of bankrupt Israelites, at least until redemption took place or the jubilee's trumpet sounded. In this case, that which served consumers most efficiently was authorized by God's law. A bankrupt Israelite's legal status as a freeman was not to defended, free of charge, at the expense of the consumer.

The kinsman-redeemer could lawfully buy back the servant's legal status as a freeman, but this involved a risk on his part. He would probably have had to take over the care of the man and his family, for they had no land to return to. Freemanship was not a free gift to a landless Israelite until the day of jubilee. Someone had to pay: the kinsman-redeemer.

A man in bondage retained the right to buy his freedom: ". . . or if he be able, he may redeem himself." Where would he get the money to redeem himself? Probably from an inheritance. A relative died and left him the purchase price of his redemption.

D. A Stronger Competitor

The resident alien had no obligation to pay a wage to an Israelite who had been sold into bondage. In contrast, the Israelite who purchased another Israelite had to pay a wage (Lev. 25:39–40).[4] In both cases, the bondservant would go free in the jubilee year. Since the buyer was buying an expected stream of net income until the jubilee, which buyer could expect a larger stream of net income? Presumably, the resident alien. He did not have to pay a wage; the Israelite buyer did.

The resident alien was in a stronger bidding position than an Israelite buyer, but the Israelite might decide to outbid the alien in

4. Chapter 29.

order to avoid the shame in Israel of the sale of an Israelite to a resident alien. Altruism and religious pride have limits, however; at some price, the Israelite bidders would have dropped out of the auction. This means that those Israelites who defaulted on the largest sums would have been most likely to serve in the households of resident aliens. The resident alien could better afford to bid a higher price for purchasing a debtor.[5] Also, in the jubilee year, the Israelite departed without capital from the household of a resident alien. Had he been under the authority of an Israelite, he could have saved his wages. Conclusion: the more money a man owed, the more likely that only a resident alien could afford to buy him to discharge the man's debt. It was therefore better to owe less money than more money, in the hope that an Israelite would buy you in a crisis, out of charity. Charity has limits.

The greater the man's debt had been, the longer his years of servitude. This system of bondage was therefore a model of hell. Greater debts resulted in more burdensome servitude. "And that servant, which knew his lord's will, and prepared not himself, neither did according to his will, shall be beaten with many stripes. But he that knew not, and did commit things worthy of stripes, shall be beaten with few stripes. For unto whomsoever much is given, of him shall be much required: and to whom men have committed much, of him they will ask the more" (Luke 12:47–48).[6] The difference was this: Israel had the jubilee year for those Israelites who were heirs of the conquest and who were still members of the ecclesiastical covenant. Hell has no jubilee year of release. There is no longer a jubilee year. Jesus Christ, the cosmic Kinsman-Redeemer, abolished it: definitively (Luke 4:18–21),[7] progressively (through the adoption of gentiles: Paul's ministry), and finally (A.D. 70). Apart from His redemption, there is no escape from eternal servitude.

This means that the greater the debt, the more money the kinsman-redeemer would be required to pay to redeem his relative, or else the longer the man would have remained in bondage. The greater the

5. Once the auction price of the bondservant matched the debt he owed, any additional money raised by the bidding process went to the bondservant. This would have placed a loose cap on the bidding, since the additional money could be used by the bondservant to buy his way to freedom. The buyer was then subsidizing a reduced return on his investment: a shorter term of service.

6. Gary North, *Treasure and Dominion: An Economic Commentary on Luke*, 2nd ed. (Dallas, Georgia: Point Five Press, [2000] 2012), ch. 28.

7. *Ibid.*, ch. 6.

debt, the greater the price of redemption; the greater the debt, the greater the grace of redemption.

E. A New Master

The Israelite who had been purchased from a resident alien was subsequently to be treated by his relative as a hired servant. He was to be paid a wage: "And as a yearly hired servant shall he be with him: and the other shall not rule with rigour over him in thy sight" (v. 53). This means that the kinsman-redeemer was leasing his relative's labor services, not simply liberating him. The poor man had no land to return to. Until the jubilee year came, he was tied to the kinsman-redeemer unless the latter voluntarily released him.

Then why buy him at all? First, to overcome the shame of the family: to liberate a brother from bondage in the household of a foreigner. Second, to keep the resident alien from profiting at the expense of an unpaid Israelite servant. If the price of labor had risen since the day that the stranger bought the man, the resident alien was reaping an entrepreneurial profit. The unexpected rise in the value of labor services was being pocketed by the foreigner. The jubilee law authorized the kinsman-redeemer to buy the future labor services of his relative, which would run out at the next jubilee. He paid the original purchase price minus the years already served. The value of these labor services was higher than when the alien purchased the Israelite, but the purchase price per year of servitude remaining was fixed by the jubilee law. The kinsman-redeemer was in a position to re-claim from the alien all remaining entrepreneurial profits in an agricultural venture, should they continue. The tithe on these profits would then revert to the Levites.

1. An Economic Return

The kinsman-redeemer would have had to pay his kinsman a wage. This leads us to the third point: the presence of an economic return. What was the nature of this return? The kinsman-redeemer could always hire labor services on a piece-rate basis. Why, economically speaking, would he commit himself to buying an Israelite, who would be owed a wage? Answer: to reduce his risk. The kinsman-redeemer might buy his relative for the same reason that producers buy goods to put into an inventory. If a producer has very little time to get delivery of the particular resource input, he has to pay a higher price to buy it "off the shelf"—some seller's shelf. Instead, he puts it

on his own shelf.[8] Keeping an inventory is a substitute for knowing the future perfectly, just as holding cash is. If we knew the future perfectly, we could time production and sales so well that we would need neither inventories nor cash in reserve.[9]

By purchasing his kinsman out of bondage, the kinsman-redeemer would have secured a permanent employee for himself until the jubilee year. The relative was still a bondservant who was not allowed to walk away. He was legally tied to the household of his redeemer until he could afford to redeem himself or the jubilee came. But he was at least out from under the authority of a resident alien. He would henceforth receive a wage. He was better off.

The kinsman-redeemer could buy his relative out of bondage at a price commensurate with the years remaining until the jubilee: a prorated price that dropped as the jubilee approached (v. 50). When the alien paid for the Israelite, the redemption price was locked in by civil law. The alien could not readily sell the capitalized services of the Israelite to the highest bidder, who probably would have been another resident alien. The price paid by the original purchaser established the maximum price that a kinsman had to pay to redeem his relative, and this price steadily dropped as the jubilee year approached. It is unlikely that any subsequent buyer would pay the original purchaser more than the redeemer's price, for he would have risked seeing the kinsman-redeemer buy the man out of bondage at a price based on the original owner's purchase price. It was legal for a resident alien to buy an Israelite servant, but the jubilee law placed limits on this market.

2. Capitalized Value

The terms of redemption were the same for Israelite bondservants as for rural land (Lev. 25:14–16). It was a prorated redemption: the redeemer had to pay only for the time remaining before the jubilee. This means that the purchase price would be averaged on an annualized basis: from the time of purchase to the jubilee.

This means that the original buyer took a risk. If he "bought low,"

8. Prior to widespread computerization of inventories in the 1980s, and prior to Federal Express and other overnight delivery private mail firms, inventories in American business were larger. The "just in time" techniques of computerized production did not exist, or existed only in a few firms.

9. If no one needed cash in reserve, there would be no cash; its value would fall to zero. Transactions would be by barter only. We cannot really imagine such a money-less world, for it is a world of man's omniscience, which is neither possible nor conceivable (Deut. 29:29). This is a major problem for economic theory, which assumes omniscience in the creation of such theoretical constructs as equilibrium.

when the expected value of the land's output or the servant's output was low, on the assumption that prices for these services would rise, he could lose his entrepreneurial profit if a redeemer came to claim his right of purchase. The original buyer would be repaid whatever was owed to him based on the original purchase price, not on the new, higher value of the expected stream of services. On the other hand, if he "bought high," when the expected returns were high, and then the value of the services fell, the land or bondservant would be less likely to be redeemed, since the redeemer would have to pay a prorated price based on the original purchase price, which was high. This means that the original buyer was more likely to suffer losses than enjoy profits if the market value of the expected stream of services changed.

This was even more true of land redemptions. The kinsman-redeemer could re-purchase his kinsman's land from a buyer at a fixed price: whatever the buyer had paid prorated according to the years remaining till the jubilee. He had no wages to pay. When he bought a relative out of bondage, he had to pay him a wage. Not so with land.

What is clear is that the purchase of either rural land in Israel or an Israelite bondservant was a lease agreement. Because of the jubilee year's limits on both rural land transfers and Israelite servitude, this was not a purchase; it was a lease. It was a not a lease with an option to buy; it was a lease in which an outsider—the kinsman-redeemer—had the option to redeem the lease. The lease was a rental arrangement in which the redeemer could interrupt the long-term rental agreement by making a prorated payment to the lessor. God was the owner of the land and the Israelites; He set the terms of trade. This price system would have restricted the market for Israelite bondservants and rural land.

F. Utopian Populists

On the fringe of many political movements, both right wing and left wing, are populist utopians who claim that a world without interest on business loans is both morally obligatory and economically possible. This is the economic equivalent of claiming that perpetual motion is possible in this world. It is rarely pointed out that this was the position promoted by John Maynard Keynes, the most influential economist in the world in the second half of the twentieth century.[10]

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10. Keynes wrote that "a properly run community . . . ought to be able to bring down the marginal efficiency of capital in equilibrium approximately to zero within a sin-

Because of the medieval commentators' confusion over interest from business loans (biblically valid) and interest from charity loans to fellow believers (biblically prohibited), they prohibited all interest, which they regarded as a single phenomenon. This religious tradition has led many subsequent monetary cranks—Protestants, Catholics, and cultists—to claim that their position is biblical.[11] Let me point out one more time that those people who preach the ideal of a world of zero interest rates cannot defend their system biblically.

Rent is the economic return produced by some scarce resource over a specified time period. The resource may be land, but it could also be labor. What is the present value of this stream of income? We cannot know until we know the rate of interest: the time discount applied by economic actors to all streams of income. The origin of interest is human action: time preference. Rents will, through competition, tend to equal the rate of interest.[12] Thus, the defender of a zero-interest economic system must, if he follows the logic of his system, deny the moral legitimacy of all rental contracts. (There are very few populist analysts who have understood this implication of their system.)[13] But this section of Leviticus clearly affirms the legitimacy of such rental contracts. This poses an insolvable theoretical problem for those people who argue that, biblically speaking, rental contracts are illegitimate. They deal with this problem by ignoring it.[14]

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gle generation; . . ." Keynes, *The General Theory of Employment, Interest, and Money* (New York: Macmillan, 1936), p. 220. If the marginal efficiency of capital is zero, then the price of capital has to be zero, since the value of any asset's output under equilibrium conditions is equal to the value of the final (marginal) unit produced, which in his example is zero. Zero multiplied by anything is zero.

11. Calvin Elliott, *Usury: A Scriptural, Ethical and Economic View* (Middlesburg, Ohio: Anti-Usury League, 1902); C. F. Parker, *Moses the Economist* (London: Covenant, 1947), pp. 55–60. For "usury" defined as "interest which is higher than is requisite," see J. Taylor Peddie, *The Economic Mechanism of Scripture: The Cure for the World Crises* (London: Williams & Norgate, 1934), p. 156. For a critique of the Social Credit movement's suggested reform, the abolition of private banking and interest-bearing loans, see Gary North, *Salvation Through Inflation: The Economics of Social Credit* (Tyler, Texas: Institute for Christian Economics, 1993).

12. Chapter 25:G.

13. S. C. Mooney, a defender of interest-free business loans, is one of the few populists who have understood this. He insists that "it is not lawful for one to sell the use of his property (rent)." S. C. Mooney, *Usury: Destroyer of Nations* (Warsaw, Ohio: Theopolis, 1988), p. 173.

14. Mooney refused to comment in his book on Leviticus 25:25–28 and 25:47–51. For a critique of Mr. Mooney, see Gary North, *Authority and Dominion: An Economic Commentary on Exodus* (Dallas, Georgia: Point Five Press, [1990] 2012), Appendix J: "Lots of Free Time: The Existentialist Utopia of S. C. Mooney."

1. On the Fringe of a Movement

The populist, being a fringe figure, appeals to people on the fringe of a movement who are ideologically committed but untrained in economic reasoning. They have a taste for ideas that are outrageous and even bizarre. They are tempted to push beyond the ideological limits of the movement to which they are loosely attached. If something sounds new, unique, or controversial, they have a tendency to believe it. There are many such ideas in life that deserve a hearing, despite the opposition of establishments. There are establishments in life; indeed, scholarship and science are impossible without establishments. These establishments do suppress the public discussion of certain ideas.[15] But every anti-establishment hypothesis must be examined very carefully in order to determine whether it makes sense logically and also corresponds to the data it seeks to explain. Fringe ideas must be tested. Those who gravitate toward them are rarely able to do the necessary testing. They are true believers, not careful scholars.

Economic analysis involves long chains of reasoning. A recommended policy must be analyzed in terms of its effects, as they spread through the economy. Few people are equipped intellectually or by training to examine long chains of reasoning. Therefore, as Hazlitt said in the opening sentence of Chapter 1 of *Economics in One Lesson*, "Economics is haunted by more fallacies than any other study known to man."[16] He then explains why this is the case: "*The art of economics consists in looking not merely at the immediate but at the longer effects of any act or policy; it consists in tracing the consequences of that policy not merely for one group but for all groups*. Nine-tenths of the economic fallacies that are working such dreadful harm in the world today are the result of ignoring this lesson."[17] Crackpot economics always breaks this chain of reasoning.

People who are attracted to populism do not understand that when some writer denies the legitimacy of interest from business loans, he is also denying the legitimacy of the economic category known as rent. They do not understand that anyone who denies the legitimacy of interest and rent then must explain how a world without interest would operate. They take the populist's word on faith. Commitment

15. Thomas Kuhn, *The Structure of Scientific Revolutions* (Chicago: University of Chicago Press, 1962).

16. Henry Hazlitt, *Economics in One Lesson* (Norwalk, Connecticut: Arlington House, [1946] 1979), p. 15.

17. *Ibid*., p. 17.

to crackpot economics can easily become a substitute for orthodox religion,[18] or at least a false corollary to orthodox religion.

I will say it one more time: economics becomes crackpot when it claims that the economic world can operate apart from a rate of interest. It is crackpot to the same degree that physics becomes crackpot when it affirms the possibility of perpetual motion.

2. The Unity of Economic Theory

The phenomenon of interest affects every aspect of economic theory and practice. It is the discount that every rational person places on future goods as against present goods: the free gift of a Rolls-Royce automobile delivered next year vs. the Rolls Royce delivered this afternoon. Better sooner than later, other things being equal. The anti-interest utopian therefore has an intellectual and moral obligation to reconstruct all of economic theory in terms of his radical hypothesis. No one has ever done this, in the millennia in which anti-interest hypotheses have been offered, from Aristotle to the present.

When Eugen von Böhm-Bawerk's monumental *History and Critique of Interest Theories* was published in 1884, he understood that all of capital theory had to be reconstructed in terms of his theory of interest as a discount of future goods as against present goods. He then wrote *The Positive Theory of Capital*, equally monumental, which appeared in 1889. Then he spent years writing *Further Essays on Capital and Interest*, a book defending the first two volumes. Certain problems in Böhm-Bawerk's theory led his student Ludwig von Mises to write *Theory of Money and Credit*, published in 1912. From there, Mises went on to write *Socialism* (1922) and *Human Action* (1949), each book extending his theory of capital, interest, and money. The point is, you cannot legitimately announce that an economy can and should operate without interest payments on business loans and leave it at that. Yet this is what the populist utopians do.

Conclusion

The jubilee was the year of redemption in Israel. It reunited judicially the dispossessed Israelite and his landed inheritance. The maximum time limit placed by God's law on Israelite bondservice was therefore the same as the limit on the leasing of rural property: the next jubilee year.

18. North, *Salvation Through Inflation*.

The possibility of immediate redemption was available in both cases: land and labor. The kinsman-redeemer could buy his relative out of bondage by making a prorated payment to the buyer based on the original purchase price. This payment was based on the years remaining until the jubilee: the original purchase price divided by the number of years until the jubilee multiplied by the number of years remaining.

The presence of this law in the Mosaic law indicates how important the ideal of customer authority is in God's eyes. An Israelite who found himself in dire straits economically could lawfully sell himself to a resident alien. The economic success of the resident alien was legitimate. He had met the demands of customers. The Israelite had failed to meet the demands of customers. The resident alien was authorized to buy the Israelite until the next jubilee year. So important were the twin ideals of efficiency and profit that God was willing to see some of His people in temporary bondage to covenant-breakers within the boundaries of the Promised Land. Perhaps these less efficient Israelites would learn to become more efficient producers, thereby improving the options available to consumers.

Because the resident alien did not have to pay a wage to an Israelite bondservant, while Israelites were required to pay him a wage, this law gave a competitive advantage to the resident alien in the market for Israelite bondservants. It made it clear what the consequence of bankruptcy was likely to be: long-term bondage to covenant-breakers.

What was illegal for an Israelite—the refusal to pay a wage to his Israelite bondservant—was not illegal for resident aliens. Why not? Because bondage to resident aliens was a model of hell: the wrath of God. It served as a reminder to the Israelites of their need for a kinsman-redeemer. They were all in debt to God. They could not afford to buy their way out of Adam's bondage. Only God's grace of the fulfilled jubilee offered the nation long-term hope, and only God's grace in the interim as their kinsman-redeemer offered short-term hope. God's designated Kinsman-Redeemer is Jesus Christ, who announced the fulfillment of the jubilee principle when He began his public prophetic ministry (Luke 4:18–21).[19]

This law rested on a required wage payment, but there were no specifics regarding the amount of the wage. This made law enforcement difficult for the magistrates, and therefore also made legal predictability difficult for Israelite masters. I conclude that this law was

19. North, *Treasure and Dominion*, ch. 6.

enforced by the Levites, not the civil magistrate. They would have had more leeway in working out equitable arrangements with the masters. This law did not prohibit an evil act, i.e., the legitimate function of civil government. It mandated positive sanctions, and only for Israelite masters. It therefore discriminated economically against Israelite masters. But Mosaic civil law was to be equal for all (Ex. 12:49).[20] So, this must have been an ecclesiastical law.

20. North, *Authority and Dominion*, ch. 14.

32

NATURE AS A SANCTIONING AGENT

If ye walk in my statutes, and keep my commandments, and do them; Then I will give you rain in due season, and the land shall yield her increase, and the trees of the field shall yield their fruit. And your threshing shall reach unto the vintage, and the vintage shall reach unto the sowing time: and ye shall eat your bread to the full, and dwell in your land safely. And I will give peace in the land, and ye shall lie down, and none shall make you afraid: and I will rid evil beasts out of the land, neither shall the sword go through your land.

LEVITICUS 26:3–6

The theocentric message here is that God is the sovereign sustainer of the creation, who personally intervenes into the realm of nature in terms of His covenant. Because His covenant with Israel was judicial, the land was uniquely under His law's sanctions: point four of the biblical covenant model.[1] This law was not purely impersonal-mathematical; it was ethical: point three of the biblical covenant model.[2] These two points are always linked.

A. Covenantal Blessings

The covenantal blessings of Leviticus 26:3–6 were corporate. Rain in due season was promised by God for all the land within the boundaries of national Israel, not just for the land belonging to covenant-keeping individuals. The individual Israelite would receive these blessings only as a resident of a covenanted nation: inside the

1. Ray R. Sutton, *That You May Prosper: Dominion By Covenant*, 2nd ed. (Tyler, Texas: Institute for Christian Economics, [1987] 1992), ch. 4. Gary North, *Unconditional Surrender: God's Program for Victory*, 5th ed. (Powder Springs, Georgia: American Vision, 2010), ch. 4.

2. Sutton, ch. 3. North, ch. 3.

national covenant's geographical boundaries. These boundaries were primarily judicial and secondarily geographical. Only within these covenantal boundaries could the promised blessings be successfully invoked in God's name, generation after generation, and only if those living within these boundaries were actively conforming themselves to the ethical boundaries of God's revealed law. Only inside the land of promise—a covenanted nation—were there sufficient numbers of covenant-keepers and also publicly law-abiding covenant-breakers to call forth these promised blessings through the generations.[3] These were not cross-boundary laws.

As I shall argue later in this chapter, the covenantally predictable sanctions of rain and sunshine were exclusive to Mosaic Israel's economy. They were *land sanctions*, which are no longer God's means of imparting predictable blessings and curses. The New Covenant has transferred God's predictable sanctions from climate to society. What a society does in response to the terms of God's Bible-revealed law determines God's predictable blessings and cursings. Nature's climatic processes are no longer covenantally predictable, and hence are no longer covenantal sanctions. It is what society does in response to biblical law that will determine whether nature's covenantally unpredictable climatic processes become blessings or curses.

Does this mean that none of the Mosaic covenant's system of corporate sanctions applied outside of the boundaries? No, but it does mean that only inside Israel's boundaries was there any legitimate hope that positive blessings could be sustained long term. *The basis of God's blessings is always judicial: God's grace*. The nations outside the land could become the recipients of God's common grace, but only if they outwardly obeyed the terms of God's revealed law. But apart from special grace, common grace cannot be maintained long term. The covenant-breaking recipients of common grace will eventually revolt against God and His law. The blessings are not sufficient re-

3. It is a theologically and psychologically disastrous misinterpretation of God's promises of wealth to place them within an exclusively personal or individual framework. The individualism of the "positive confession" charismatic movement is an example of just such a false interpretation of covenantal, corporate promises. God's blessings are not successfully invoked verbally; they are invoked corporately and ethically. Individual Christians are not supposed to "name it and claim it." Instead, we are to do the following: obey God personally by following His law; pray for the widespread movement of the Holy Spirit in what is called revival; work toward a corporate, constitutional, and civil affirmation of the absolute authority of the God of the Bible; and hope for the best until these covenantal requirements are met. Only after this can we be confident about predictable, sustainable corporate blessings.

wards to persuade them to remain outwardly faithful indefinitely. Large numbers of covenant-breakers must be converted to saving faith if they are not to rebel.[4]

The best example of this process of moral backsliding under the Mosaic Covenant economy is Nineveh, capital city of Assyria. The fact that God threatened Nineveh with destruction in 40 days indicates that the Levitical system of negative corporate sanctions was in operation outside the land of Israel. These were not Mosaic seed and land sanctions. These were cross-boundary sanctions. Nineveh repented on a corporate but external basis in the face of Jonah's preaching of imminent negative sanctions. Why do I say *external* sanctions? Because no one was required to become circumcised in order for God's wrath to be withdrawn. This was common grace, not special (soul-saving) grace. The nation escaped external destruction because their flagrant sinning ended. Eventually Assyria revolted against God, invaded Israel, and carried off the residents of the Northern Kingdom. Then Babylon destroyed Assyria.

Common grace cannot be sustained apart from special grace. Covenant-breakers eventually return to their outward rebellion. God then gives them up to their lusts (Rom. 1:18–22).[5] Apart from circumcision, there was no possibility of special grace under the Old Covenant after Abraham.[6] There could be no inheritance of covenantal blessings beyond the third and fourth generation of those who hated God (Ex. 20:5).[7]

B. Sanctions and Representation

The blessings listed here are agricultural and social: bread, wine, and peace. These are positive sanctions.[8] Ten righteous representatives of Sodom would have kept God from bringing total negative sanctions

4. Gary North, *Dominion and Common Grace: The Biblical Basis of Progress* (Tyler, Texas: Institute for Christian Economics, 1987), ch. 6.

5. Gary North, *Cooperation and Dominion: An Economic Commentary on Romans*, 2nd ed. (Dallas, Georgia: Point Five Press, [2000] 2012), ch. 3.

6. This is why Egypt was not brought to saving faith under Joseph. We know this because there was no covenantal succession; every Egyptian family suffered the death of the firstborn at the exodus. Egypt's faith was a common grace faith.

7. Gary North, *Authority and Dominion: An Economic Commentary on Exodus* (Dallas, Georgia: Point Five Press, 2012), Part 2, *Decalogue and Dominion* (1986), ch. 22:C:1.

8. Peace might be considered the absence of war, but given the condition of mankind after Adam's rebellion, it takes God's active grace to bring peace to man. Peace is not normal even though it is normative. Peace is not passive. War and sin are the passive condition of covenant-breaking man (James 4:1).

against that city, but only because of Abraham's negotiation with God (Gen. 18:24–32). But what about positive sanctions in Israel? What had to be done in Israel in order to gain bread, wine, and peace? Hebrews as a covenantal unit were told to obey God. The Bible never mentions a specific percentage of the population that must obey God in order for God's positive, visible sanctions to become predictable in history. This is why the absolute predictability of God's sanctions in history is an unobtainable ideal. But absolute *anything* in history is unobtainable by men, so this should not deter us in our quest to gain His positive sanctions. What the Bible teaches is that the number of active covenant-keepers must be large enough to represent the nation judicially. The society must be marked by widespread obedience to the civil laws set forth by God. Blessings apart from faithfulness are a prelude to negative sanctions on a comparable scale.

God promised covenantal blessings to the residents of the nation of Israel in response to individuals' covenantal obedience. Obedience is always in part individual, for individuals are always held responsible by God for their actions. This responsibility is inescapable in history and at the day of final judgment.[9] Nevertheless, there is no doubt that God's promised historical responses to individual obedience were corporate sanctions. The question is: How many people in Israel had to obey God's law in order for the nation to receive these promised visible blessings? This is the question of covenantal representation.

In the bargaining process between Abraham and God over the fate of Sodom, Abraham persuaded God to drop the minimum-required number of righteous men to only 10 as the condition of avoiding total negative sanctions against the city (Gen. 18:24–32). These threatened corporate sanctions were both negative and total. There is nothing in the Mosaic law to indicate that a remnant of only 10 men would have preserved the nation of Israel from lesser negative sanctions, such as invasion or captivity. God told Elijah that He had kept 7,000 men from bowing the knee to Baal, but God did not on their account promise to spare Israel. On the contrary, He used Elijah as His agent to anoint Hazael the Syrian, who would then bring negative sanctions against Israel. This revelation from God came as a unit:

> And the LORD said unto him, Go, return on thy way to the wilderness of Damascus: and when thou comest, anoint Hazael to be king over Syria: And Jehu the son of Nimshi shalt thou anoint to be king over Israel: and

9. The law's visible sanctions are more predictable at the final judgment.

> Elisha the son of Shaphat of Abel-meholah shalt thou anoint to be prophet in thy room. And it shall come to pass, that him that escapeth the sword of Hazael shall Jehu slay: and him that escapeth from the sword of Jehu shall Elisha slay. Yet I have left me seven thousand in Israel, all the knees which have not bowed unto Baal, and every mouth which hath not kissed him (I Kings 19:15–18).

Abraham's bargaining was based on a theory of covenantal representation. Ten righteous men in Sodom could have served as representatives for the entire city, even though the city's population was perverse. This is an indication of the magnitude of God's grace. But His grace is not without ethical conditions. There did have to be 10 righteous men in Sodom in order for God to display His grace to all the other inhabitants. The 7,000 covenant-keepers of Elijah's day served as covenantal representatives who kept Israel from being totally destroyed, Sodom-like, but their presence in the land did not protect the nation from lesser negative sanctions. God's grace sometimes temporarily offsets a widespread decline of faith, as it did in the days of Hezekiah (II Kings 20:1–6), but if there is no widespread repentance during this period of grace, God's specially imposed negative corporate sanctions will inevitably come on a rebellious society. These are predictable in history. The New Covenant has not altered this cause-and-effect relationship.

Who was responsible for gaining these blessings? The text does not identify any single representative. Could a single agent represent the nation as a whole? In some cases, yes. God spared Judah for the sake of Hezekiah's repentance. The crucifixion of Jesus definitively proves the point.[10] By bringing Him under the negative sanction of public execution, Israel's representatives brought the whole nation under God's negative sanction of public execution in A.D. 70.[11] In Israel, covenantal representatives included the high priest, priests in general, Levites, civil rulers, prophets, and heads of households.[12]

10. "And one of them, named Caiaphas, being the high priest that same year, said unto them, Ye know nothing at all, Nor consider that it is expedient for us, that one man should die for the people, and that the whole nation perish not. And this spake he not of himself: but being high priest that year, he prophesied that Jesus should die for that nation; And not for that nation only, but that also he should gather together in one the children of God that were scattered abroad" (John 11:49–52).

11. David Chilton, *The Days of Vengeance: An Exposition of the Book of Revelation* (Ft. Worth, Texas: Dominion Press, 1987).

12. In most cases, this would have been a circumcised male. In the case of widows and divorced women, they became the heads of their households, for they were required to fulfill their vows without initial approval by a male (Num. 30:9).

The people of Israel were to serve the world as a royal priesthood (Ex. 19:6). They represented other nations.[13] The Mosaic law did not single out civil officers as the nation's primary legal representatives. The office of high priest was far more important than the office of king. National Israel could and did exist without a king; it could not exist without a high priest. It is a sign of the modern world's perversity that the civil ruler is regarded as possessing the crucial form of sovereignty.[14] This same error governed pagan men's thinking in the ancient world.[15]

God's promises to a corporate entity do not mandate that there be a representative *political* agency to serve as His primary economic agent. This means that a central agricultural planning bureau should not be created by the state, nor should such an agency make the decisions about what to plant, where, and when. There must be no civil "Department of Bread and Wine." Neither it nor any another political agency should decide which crops to sell, at what price, and to whom, except during wartime, and then only because the state takes on a priestly function, when its corporate decisions are literally life-and-death representative decisions.[16] Nevertheless, the question remains: If God makes men responsible collectively, as His covenantal promises indicate that He does, then what kind of representative human authority should be established in order to monitor the arena—the boundaries—in which the sanctions are applied, both positive and negative?

C. Stipulations and Representation

God's covenantal promises in the Mosaic law were ethical, not magical or technical. They were governed by God's stipulations: the bound-

13. During the feast of tabernacles, Israel sacrificed a total of 70 bulls for the 70 nations (Jud. 1:7), plus one for Israel (Num. 29:13–36).

14. A representative discussion is Bertrand de Jouvenal, *Sovereignty: An Inquiry into the Political Good* (Chicago: University of Chicago Press, 1957). The author was a conservative. This book was a companion volume to his equally political study, *Power: The Natural History of Its Growth*, rev. ed. (London: Batchworth, 1952).

15. R. J. Rushdoony, *The One and the Many: Studies in the Philosophy of Order and Ultimacy* (Vallecito, California: Ross House, [1971] 2007), chaps. 3–5.

16. Even during wartime, politicians should strive to let the market allocate resources in most instances. Fiscal policy—taxing and spending—not monetary inflation coupled with a system of compulsory rationing, should be the primary control device. This enables producers to make rational decisions about what to produce. The profit system motivates producers to create the most efficient weapons. Ludwig von Mises, *Human Action: A Treatise on Economics* (New Haven, Connecticut: Yale University Press, 1949), ch. 34, sect. 2.

aries of legitimate behavior. Were these stipulations exclusively civil? No. Were they predominantly civil? No. The Mosaic laws matched the four covenants, i.e., the four biblically legitimate self-maledictory oaths: individual, familial, ecclesiastical, and civil. The problem in any covenanted society is to discover which agency has primary jurisdiction in any specific instance. No human agency has final, total authority. Only God possesses absolute authority, an authority that He transfers in history only to His incarnate living Word, Jesus Christ,[17] to the Holy Spirit,[18] and to His incarnate written word, the Bible.[19]

1. Self-Government Under God's Law

The primary form of biblical government is always self-government. The primary agency of jurisdiction is the individual conscience. It has to be: only at this level does the individual law-enforcer have sufficiently accurate and detailed information regarding both his motivation and the results of his actions. Furthermore, only the individual can search his own heart, and even then, such knowledge is flawed. "The heart is deceitful above all things, and desperately wicked: who can know it? I the Lord search the heart, I try the reins, even to give every man according to his ways, and according to the fruit of his doings" (Jer. 17:9–10). This is why God threatens eternal sanctions, positive and negative, on individuals: to persuade them to focus their attention in history on the requirement of obedience.

Adam was given a positive injunction: to dress and guard the garden (Gen. 2:15). He was also given a negative injunction: to avoid eating the fruit of a specific tree (Gen. 2:17). The first was a task of personal dominion. The second was a warning against false worship: eating a forbidden meal. Both stipulations necessarily involved corporate responsibility: familial (dominion) and ecclesiastical (communion). *Corporate responsibility flows from individual responsibility.*

17. "In the beginning was the Word, and the Word was with God, and the Word was God. The same was in the beginning with God. All things were made by him; and without him was not any thing made that was made" (John 1:1–3).

18. Jesus said: "But when the Comforter is come, whom I will send unto you from the Father, even the Spirit of truth, which proceedeth from the Father, he shall testify of me" (John 15:26). "Howbeit when he, the Spirit of truth, is come, he will guide you into all truth: for he shall not speak of himself; but whatsoever he shall hear, that shall he speak: and he will shew you things to come" (John 16:13).

19. Jesus said: "I have given them thy word; and the world hath hated them, because they are not of the world, even as I am not of the world" (John 17:14). "Sanctify them through thy truth: thy word is truth" (John 17:17). Paul wrote: "All scripture is given by inspiration of God, and is profitable for doctrine, for reproof, for correction, for instruction in righteousness" (II Tim. 3:16).

The point is, responsibility does flow outward from the individual. There is more to biblical responsibility than personal responsibility because *personal responsibility in a covenantal order is necessarily representative*. The representative models of the principle of representation are Adam and Christ.

The Mosaic law reflects this judicial fact of life, especially in Leviticus, the premier book of stipulations. Leviticus begins with ecclesiastical stipulations: priestly laws governing the representative sacrifices and laws governing the enforcement of covenantal boundaries, i.e., excommunication from the assembly. The feasts and ritual sacrifices of the Mosaic Covenant are obvious examples of priestly laws.[20] Next in number and importance are the family-related statutes, mainly laws controlling sexual deviation (Lev. 18; 20), personal ethics and land management (Lev. 19), and inheritance (Lev. 25). Civil statutes and civil sanctions are a distant fourth in both number and importance.

Obedience must be representative when God's sanctions are corporate. Certain individuals represent a larger body of individuals. The word *body* is covenantally appropriate: a head represents the other members.[21] This judicial principle provides us with no specific information regarding corporate ownership. The Mosaic law does, however. Leviticus 25 says a great deal about Old Covenant corporate ownership: it was familial. The jubilee law centered around a man's family inheritance, which was based in turn on God's original distribution of the land of Canaan to the Israelite conquerors. The crucial inheritance was judicial: the legal status of freeman. The far less important inheritance was geographical: a specific plot of ground. The primary role of civil government in Israel with respect to landed inheritance was to enforce the terms of the jubilee law.

The jubilee law was the most important corporate civil law in Mosaic Israel, for it established freemanship. This is what identified a free man, a man who could not be sold into permanent servitude with his family. There were other civil laws, but this was the archetype. The jubilee was not a law guaranteeing a specific economic income. It was instead a law establishing a legal right: an enforceable boundary around his legal status as a freeman.

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20. In the New Covenant, the one feast is the Lord's Supper, which is the heir of the Passover and the other Mosaic Covenant feasts.

21. "For the husband is the head of the wife, even as Christ is the head of the church: and he is the saviour of the body" (Eph. 5:23). "And he is the head of the body, the church: who is the beginning, the firstborn from the dead; that in all things he might have the preeminence" (Col. 1:18).

2. Jubilee and Legal Rights

The jubilee law served Mosaic Israel as a model for all civil legislation. It was primarily a *defense of legal rights*, not a promise of positive economic sanctions. It was God alone who promised positive economic sanctions, not the state. These positive sanctions came to individuals primarily through their families. The economic success of individuals and families determined the size of the tithe: positive sanctions to the church and state. Families also provided charity to the poor, under threat of church sanctions. The gleaning law served as the model of this form of charity: if a man did not work, neither did he eat. Men also received positive sanctions from the church through the Levites. Presumably, people received positive sanctions from voluntary, non-ecclesiastical organizations that served the poor, but there are no biblical injunctions in this regard.

Finally, there were civil sanctions, which were exclusively negative: to protect the nation from God's corporate negative sanctions in history. Faithfulness by the civil government in executing these negative sanctions would bring God's positive sanctions, most notably peace. It is the civil government's task to insure peace: defensive boundaries placed around violent people within the nation—economic restitution, public flogging,[22] and public execution—and a geographical defensive boundary placed around violent people outside the nation. Peace is God's national blessing: a successful quarantine against violence. This quarantine begins with the work of the conscience: "From whence come wars and fightings among you? come they not hence, even of your lusts that war in your members?" (James 4:1). It moves outward from the individual to the other covenantal institutions, and from there to all of society. It is the responsibility of civil magistrates to suppress external violence. This results in external peace. But without the grace of God in regenerating the souls of men, the civil suppression of violence cannot be maintained indefinitely. The fundamental form of government is self-government, not civil government.

D. Common Grace

The question arises: Did the covenantal promises of Leviticus 26 perish with the other land laws of Israel? The law promised predictable blessings: "If ye walk in my statutes, and keep my commandments,

22. The limit is 40 lashes (Deut. 25:3). It is worth noting that Noah's flood came from 40 days of rain, and Christ's encounter with Satan came after 40 days of temptation in the wilderness (Luke 4:2).

and do them; Then I will give you rain in due season, and the land shall yield her increase, and the trees of the field shall yield their fruit" (vv. 3–4). The New Testament seems to establish another principle, that of common grace: the rain falls on everyone indiscriminately, irrespective of covenantal status. The context of the New Testament teaching is individual behavior, but the sanctions are corporate:

> Ye have heard that it hath been said, Thou shalt love thy neighbor, and hate thine enemy. But I say unto you, Love your enemies, bless them that curse you, do good to them that hate you, and pray for them which despitefully use you, and persecute you; That ye may be the children of your Father which is in heaven: for he maketh his sun to rise on the evil and on the good, and sendeth rain on the just and on the unjust. For if ye love them which love you, what reward have ye? do not even the publicans the same? And if ye salute your brethren only, what do ye more than others? do not even the publicans so? Be ye therefore perfect, even as your Father which is in heaven is perfect (Matt. 5:43–48).[23]

The context of this passage is the rule of law: *love thy neighbor*. Here is the biblical principle of love: "Love worketh no ill to his neighbor: therefore love is the fulfilling of the law" (Rom. 13:10).[24] We are to treat friends and enemies lawfully. This is the personal application of the Mosaic law's principle of equality before the law: "One law shall be to him that is homeborn, and unto the stranger that sojourneth among you" (Ex. 12:49).[25] Nature's patterns affect all men the same in New Covenant history, sending rain and sun on good men and evil men. We are therefore to treat all men justly. In this passage, *our righteous judgment is the equivalent of God's gift of rain and sun*.

1. God's Justice

The focus of Jesus' discussion of the rain and sun in the Sermon on the Mount is *God's unmerited gift of justice*: every man is to be the recipient of justice. Antinomian commentators shift the focus of this passage from our righteous treatment of other men to another topic: God's universal distribution of blessings in history. These blessings are indeed universal, *but they are also conditional*. They are as conditional as the positive sanctions of God's law. *The impartiality of God's justice mandates the conditionality of the blessings of justice*. Every decision

23. Gary North, *Priorities and Dominion: An Economic Commentary on Matthew*, 2nd ed. (Dallas, Georgia: Point Five Press, [2000] 2012), ch. 10.

24. North, *Cooperation and Dominion*, ch. 12.

25. Gary North, *Authority and Dominion: An Economic Commentary on Exodus* (Dallas, Georgia: Point Five Press, 2012), Part 1, *Representation and Dominion* (1985), ch. 14.

on our part must be ethically conditional, even the positive sanction of charity.[26] The context of the passage is the mandatory distribution of our justice. It is not, as Meredith G. Kline argued, the general unpredictability of God's corporate sanctions in New Covenant history.[27] Rather, the point that Jesus was making is that men must be utterly predictable in administering civil justice. All negative sanctions must match those mandated by God. They are ideally to be as predictable as the universality of both rain and sunshine. *These sanctions must be predictable because they are conditional*. Where does God prescribe these civil sanctions? Where else but in His revealed law? Hope for a peaceful and prosperous land has been universal in man's history.

But there is a problem: the question of the rain. There is no explicit indication that the Levitical promise of rain in due season—a unique positive sanction in the Mosaic law—continues into the New Covenant era. Kline correctly recognized that this indicates a shift from the Old Covenant to the New Covenant. Kline then extrapolated from Jesus' announcement of the visible randomness (i.e., covenantal unpredictability) of the *rain* in the New Covenant to the visible randomness of *all* the promised sanctions in the Mosaic law. What Kline did was to assume that the rain, which was an aspect of the land laws, represents all the corporate sanctions in the New Testament. This assumption is incorrect. If it were correct, there could be no uniquely biblical system of social theory.[28] This is why we must pay considerable attention to the positive covenantal sanction of rain in due season.

2. Rain in Due Season

The Levitical positive sanctions listed in the text are peace, wine, and bread. Rain in due season is a means of producing grain and grapes, meaning bread and wine. The rain is a blessing only insofar as it produces crops. Obviously, rain was no blessing in Noah's day. Too much rain ruins crops. So, the promise was for rain *in due season*.

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26. Ray R. Sutton, "Whose Conditions for Charity?" in Gary North (ed.), *Theonomy: An Informed Response* (Tyler, Texas: Institute for Christian Economics, 1991), ch. 9.

27. "And meanwhile it [the common grace order] must run its course within the uncertainties of the mutually conditioning principles of common grace and common curse, prosperity and adversity being experienced in a manner largely unpredictable because of the inscrutable sovereignty of the divine will that dispenses them in mysterious ways." Meredith G. Kline, "Comments on an Old-New Error," *Westminster Theological Journal*, XLI (Fall 1978), p. 184.

28. Gary North, *Millennialism and Social Theory* (Tyler, Texas: Institute for Christian Economics, 1990), chaps. 7, 8.

It would be just the right quantity of rain to produce the positive economic sanction of agricultural productivity.

The New Testament's teaching is that rain and sunshine fall on all men. This is God's common grace. The New Testament's emphasis here is on a common blessing. As I have already argued, the twin blessings of sunshine and rain are representative of God's blessing of *righteous judgment*, which His covenant people are to emulate. But both rain and sunshine can become common curses: rain becomes flooding; sunshine becomes drought. The question we must get answered is this: Is nature under the New Covenant a means of God's *predictable* covenantal sanctions in history? It was in Moses' day, at least inside the boundaries of the Promised Land. The land had vomited out the Canaanites.

> Defile not ye yourselves in any of these things: for in all these the nations are defiled which I cast out before you: And the land is defiled: therefore I do visit the iniquity thereof upon it, and the land itself vomiteth out her inhabitants. Ye shall therefore keep my statutes and my judgments, and shall not commit any of these abominations; neither any of your own nation, nor any stranger that sojourneth among you: (For all these abominations have the men of the land done, which were before you, and the land is defiled;) That the land spue not you out also, when ye defile it, as it spued out the nations that were before you (Lev. 18:24–28).[29]

But after the Promised Land ceased to be a kingdom boundary,[30] did climate still play this judgmental role? No. Jesus today spews out His enemies, not the land. "So then because thou art lukewarm, and neither cold nor hot, I will spue thee out of my mouth" (Rev. 3:16). *Climate in the New Covenant has ceased to be a means of predictable covenantal judgment*. What determines the fruitfulness of the field today is adherence to God's laws, including his laws of ownership. Put another way, a Christian nation whose civil government imposes socialist ownership will not enjoy the large number of external blessings experienced by a pagan nation whose civil government defends free market ownership. Also, if the two nations were to reverse their systems of ownership, there would be no *predictable* long-term reversal of rainfall and sunshine patterns within their respective geographical boundaries. *The New Covenant moved from climate to society with respect*

29. Chapter 10.

30. Jesus warned the Pharisees: "Therefore say I unto you, The kingdom of God shall be taken from you, and given to a nation bringing forth the fruits thereof" (Matt. 21:43).

to the locus of predictable sanctions. More to the point, this shift culminated a shift that had begun at the time of the conquest of the land. The earlier shift in the locus of sanctions had been a far more radical shift: from *predictable manna* outside the Promised Land to *predictable inheritance* without manna inside the Promised Land. When the Israelites crossed the boundary from the wilderness into Canaan, the source of their bread ceased to be manna. "And the manna ceased on the morrow after they had eaten of the old corn of the land; neither had the children of Israel manna any more; but they did eat of the fruit of the land of Canaan that year" (Josh. 5:12).

3. Coals of Fire

If rain in due season is a blessing, and if all of God's gifts are ethically conditional, then what is the nature of climate's conditionality? I have argued that the blessings of climate are analogous to—representational of—the blessing of God's predictable justice in history.[31] God tells His people to give good gifts—render impartial justice—to covenant-breakers, just as He sends rain and sunshine on sinners. There is an ulterior motive in such unmerited common grace: an escalation of their condemnation. In the section on justice in Romans, Paul quoted Proverbs 25:21–22. The passage in Proverbs reads: "If thine enemy be hungry, give him bread to eat; and if he be thirsty, give him water to drink: For thou shalt heap coals of fire upon his head, and the Lord shall reward thee." Here is how Paul applied this biblical principle of condemnation through mercy: "Dearly beloved, avenge not yourselves, but rather give place unto wrath: for it is written, Vengeance is mine; I will repay, saith the Lord. Therefore if thine enemy hunger, feed him; if he thirst, give him drink: for in so doing thou shalt heap coals of fire on his head. Be not overcome of evil, but overcome evil with good" (Rom. 12:19–21).

At the very least, the common blessings of nature bring covenant-breakers under greater eternal condemnation. This is because of the principle that there is a link between God's blessings and man's responsibilities. "But he that knew not, and did commit things worthy of stripes, shall be beaten with few stripes. For unto whomsoever much is given, of him shall be much required: and to whom men have committed much, of him they will ask the more" (Luke 12:48).[32] But

31. Such justice ceases to be a blessing for covenant-breakers in eternity.

32. Gary North, *Treasure and Dominion: An Economic Commentary on Luke*, 2nd ed. (Dallas, Georgia: Point Five Press, [2000] 2012), ch. 28.

what about in history? In what way is nature's ethically random distribution of gifts ethically conditional in history? We can be sure that those who receive such undeserved gifts heap up coals of fire on their unrepentant heads in eternity. What about in history?

Paul wrote: "Be not overcome of evil, but overcome evil with good" (v. 21). The goal here is the overcoming of Satan's kingdom. This victory is not confined to eternity. Satan's kingdom is obviously going to be overcome in eternity, with or without mercy from Christians in history. So, Paul's frame of reference in this passage has to be history. By showing mercy in history, Christians accomplish two things: they weaken some covenant-breakers' resistance to the truth, and they strengthen other covenant-breakers' resistance to the truth. That is, covenant-breakers' reactions to the gift of mercy vary in history. If their negative reactions to mercy always strengthened their resolve to defy God and His kingdom, and also always strengthened their ability to resist, or even left such strength "neutral," then how could showing mercy to evil men lead to the overcoming of evil with good? Wouldn't mercy in this case be counter-productive, strengthening evil men's will to resist and also their ability to resist God's kingdom? Wouldn't showing mercy then subsidize evil? Yet the Bible does not recommend that covenant-keeper subsidize evil.

This is why Paul did not presume that mercy always strengthens evil men's ability to resist the expansion of God's kingdom. On the contrary, he assumes that our showing mercy—dealing lawfully with sinners—leads to an expansion of the kingdom of God in history. In Romans 11, Paul prophesies an era of great blessings in history. Speaking of the future conversion of the Jews, Paul wrote: "Now if the fall of them be the riches of the world, and the diminishing of them the riches of the Gentiles; how much more their fulness?" (Rom. 11:12).[33] Romans 12 continues his message of victory in history. Good will overcome evil. This means that the merciful gift of God's civil justice in history will strengthen God's kingdom in history.

God's unmerited gifts in nature produce analogous effects. They progressively condemn covenant-breakers and bless covenant-keepers. While the rain in due season in the New Covenant era does not fall only on covenant-keepers or only on covenant-keeping societies, it does have kingdom-expanding effects in history. It brings covenant- breaking societies under God's condemnation. Jesus Christ will impose negative sanctions against them in history. *Long-term rebellion*

33. North, *Cooperation and Dominion*, ch. 8.

increases the quantity of judgmental fire on their corporate heads. What is different in the New Covenant is that climate no longer imposes the negative sanctions. In Elijah's day, God withheld rain in Israel for several years in order to strengthen Elijah's position and weaken Ahab's resistance (I Kings 17:1). This is no longer God's method of bringing negative sanctions in history. Climate is no longer God's covenantal agent. But, contrary to Kline in particular and amillennialists in general, this does not mean that God no longer brings predictable sanctions in history. His sanctions are no less real just because they are no longer delivered through climate. They are delivered through society.

The language of Leviticus 26:3–6 is not only covenantal, it is in part sacramental. By identifying the vineyard and bread as the blessed products of the land, the Mosaic law invoked the language of Abrahamic Holy Communion: bread and wine (Gen. 14:18). The visible proof of God's communion with His people—His residence inside Israel's boundaries—was the four-fold blessing of peace and land, bread and wine.

E. Two Forms of Representation

The ultimate issue was this: *Who owns the land*? The Bible is clear: God owns the land and everything on it. "For every beast of the forest is mine, and the cattle upon a thousand hills" (Ps. 50:10). The secondary question is this: Who acts as God's lawful agent in the administration of any given plot of land? It is this question that has divided Christians from very early days.

God delegates two forms of limited sovereignty to man: judicial sovereignty and market sovereignty. The first we call *ownership*; the second we call *customer authority*. Each has its own respective doctrine of representation. The jubilee land law makes it clear that the heirs of the families of the conquest possessed judicial authority over Israel's rural land. This does not mean that these families possessed economic authority over the land. Control over any economic resource must be defended in the market. The person who owns a scarce economic resource—a resource that commands a price—either serves those consumers who offer the high bids for the asset's fruits of production or else he must content himself with a reduced level of income. If he experiences reduced income, he thereby pays for the privilege of serving consumers other than those who offer the high bids. There is therefore a cost of serving low-bidding consumers: forfeited income. Over time, control of scarce resources moves, through

the competitive bidding process, to those economic agents who most efficiently serve the customers who offer the high bids. The profitable producers (customer agents) buy productive assets from those who are less profitable.

The jubilee land law governed the leasing of rural land, and there is no question that resident aliens and converts to the faith could buy and sell individual plots of land for up to 49 years. Thus, economic authority over the land remained in the hands of consumers. They could, through their decisions to buy or not buy, establish who their economic representatives would be. Those economic agents who were more responsive to the demands of consumers would prosper more than those who were less responsive. Those agents who prospered would be in a strong position to lease the key agricultural resource: land. The heirs of the conquest retained long-term legal sovereignty over the land as God's agents. The more productive farmers could nevertheless purchase economic authority over the land as the consumers' agents. In 42 years out of 50, consumers were authorized by God to exercise primary authority—economic authority—through their agents: the more efficient farmers.

The primary mark of economic representation in Mosaic Israel was the lease. God delegated far more economic authority to the efficient producer than to the original owner. This points to the minimal economic impact of the jubilee land law. This law was not primarily economic; it was primarily judicial. It established freemanship, not a guaranteed income. In a free society, only consumers can establish a land owner's income, and consumers are notoriously fickle. They guarantee nothing to any of their representatives. "What have you done for me lately?" is their rallying cry. "What will you do for me now, and at what price?" is their battle cry. The authority of the consumer rests on his right to change his mind until he signs a contract.

Conclusion

God's covenantal sanctions in history are corporate. Positive sanctions rest on the obedience of individuals: *representatives*. The boundaries of Mosaic Israel were primarily judicial and secondarily geographical. Within these boundaries, climate itself was bound to the stipulations of God's national covenant. The rain would fall in due season if the nation's representatives remained faithful. These representatives included the high priest, priests in general, Levites, civil rulers, and heads of households.

The positive sanctions listed in this passage are land and peace, bread and wine. The Levitical laws governing ownership prove that it was not the civil government which was the primary representative agent in Mosaic Israel. It was not the state which was to create national economic planning for agriculture. The success or failure of Israel's agriculture depended on the obedience of the people, manifested publicly in the behavior of their representatives, i.e., their leaders. The primary form of government is self-government, and the leaders had to begin with self-government, as did every other Israelite. Corporate responsibility flows from individual responsibility.

The promised sanction of rain in due season was unique to Mosaic Israel. It was not a cross-boundary sanction. In the New Covenant, the universality of common grace governs the climate, just as it did outside of the place of residence of the Israelites under the Old Covenant. Rain and sunshine fall on covenant-breakers and covenant-keepers without distinction in the New Covenant. Climate is no longer God's agent of judicial sanctions. God's law governs man's legal relationships, and obedience to His law-order is what determines predictable corporate sanctions in New Covenant history. Societies can overcome the restraints (boundaries) of climate through obedience to God's law.

The doctrine of representation is inherent in any system of biblical authority. The judicial representatives of the land were the heirs of the conquest. The economic representatives of the consumers were those who were willing to buy their continued control over the land. Control over the land was to be maintained by those who used the land least wastefully in serving those who offered the high bids for the fruits of the land: consumers. It was the consumers' authority over the land that Mosaic law defended in 49 years out of 50.

The covenantal promise of bread and wine has sacramental overtones. It points to the communion of God and man at a meal: the marriage supper of the lamb (Rev. 19:9). Israel was also promised land and peace. From an economic standpoint, land is not nearly so crucial as freedom in producing the largest possible quantities of bread and wine. The law of God provided freedom; the land was secondary. The law was given at Sinai before the generation of wandering. The stipulations would remain basic to continued prosperity in the land. Obedience was the foundation of the promised positive sanctions. Corporate prosperity is therefore ethically conditional.

33

LIMITS TO GROWTH

For I will have respect unto you, and make you fruitful, and multiply you, and establish my covenant with you. And ye shall eat old store, and bring forth the old because of the new.

LEVITICUS 26:9–10

The theocentric meaning of this passage is easy to summarize: God, who is the author of life, establishes the covenantal laws governing life. These are boundaries: point three of the biblical covenant model.[1]

A. A Biological Promise

The biological promise in verse 9 is two-fold: the multiplication of *obedient* covenant-keepers in history and the equal or greater multiplication of their crops. This two-fold promise is covenantal. It is therefore ethically conditional.

The dual positive sanctions of a growing population and growing food supplies are tied to the law of God. As in the case of every positive covenantal sanction, there is an unstated assumption: the threat of negative sanctions. In this case, the negative sanctions match the positive sanctions: (1) zero population growth or even population decline; (2) hunger. Corporate disobedience calls forth these negative sanctions.

Were these two sanctions part of what I have called seed and land laws? No. A seed law, in the sense that I am using it in this commentary, was tied to the promised Seed, the Messiah, the prophesied son

1. Ray R. Sutton, *That You May Prosper: Dominion By Covenant*, 2nd ed. (Tyler, Texas: Institute for Christian Economics, [1987] 1992), ch. 3. Gary North, *Unconditional Surrender: God's Program for Victory*, 5th ed. (Powder Springs, Georgia: Point Five Press, [1980] 2010), ch. 3.

of Judah. It had to do with maintaining the tribal divisions in Mosaic Israel until Shiloh came (Gen. 49:10). The earlier promise given to Abraham regarding the multiplication of his heirs through the Seed, Jesus Christ (*seed*, in Paul's sense)[2] was not a seed law sanction in the sense that I am using the term, i.e., Jacob's later prophecy. Jacob's prophecy governed the promise up to the coming of the Seed: the end of the Old Covenant. God's promise to Abraham regarding the multiplication of his seed—heirs—applies to both Old and New Covenants: a cross-boundary covenant and promise (Gen. 15:5). Its mark in the Old Covenant was circumcision (Gen. 17:10). This was a covenantal stipulation in the sense of *confession* rather than geography: a visible boundary separation from covenant-breakers rather than geographical boundary separations among biological units (tribes). Leviticus 26:9 is an application of the Abrahamic covenant, not Jacob's tribal prophecy.

Broadly covenantal sanctions applied outside of the land of Israel. That is, these covenantal sanctions were *common grace sanctions*. Societies that obeyed the covenant's external laws would prosper; those that rebelled would not. The promise of high population growth in this passage was an implicit threat of reduced population for rebellion. The archetype of this threat was Noah's Flood: a pre-Abrahamic sanction. God will not again bring a flood to cut off all mankind, but He does reduce the populations of rebellious societies, primarily through the covenantally predictable effects of social organization in a particular natural environment.

B. The Curse of Hunger

Hunger is a major covenantal threat in God's law. "Because thou servedst not the LORD thy God with joyfulness, and with gladness of heart, for the abundance of all things; Therefore shalt thou serve thine enemies which the LORD shall send against thee, in hunger, and in thirst, and in nakedness, and in want of all things: and he shall put a yoke of iron upon thy neck, until he have destroyed thee" (Deut. 28:47–48). Again, "They that be slain with the sword are better than they that be slain with hunger: for these pine away, stricken through for want of the fruits of the field" (Lam. 4:9).

Food is therefore a major covenantal blessing. This blessing is stated in Leviticus 25:10 in a way that is easily recognized by an agricultural people: "And ye shall eat old store, and bring forth the old

2. "Now to Abraham and his seed were the promises made. He saith not, And to seeds, as of many; but as of one, And to thy seed, which is Christ" (Gal. 3:16).

because of the new." The time of greatest potential crisis for an agricultural society is the period immediately preceding the harvest. The old store is running low; the new store has not yet arrived. The word for "old" is used with regard to the stored produce in the year following the jubilee year. "And ye shall sow the eighth year, and eat yet of old fruit until the ninth year; until her fruits come in ye shall eat of the old store" (Lev. 25:22). God's promise is not slack. Israel need not fear famine; the stored crop will not be entirely consumed before the new crop is harvested.

This means that the covenantal blessing of "fruitfulness" was comprehensive, applying equally to the fertility of obedient covenant-keeping families and to their crops. The rate of human population growth inside the boundaries of Israel would be matched by the rate of population growth in the fields. In this way, God promised to confirm His covenant publicly. He promised a growing population in Israel: the application of Genesis 1:28 and Genesis 9:7 to His covenant people, the true heirs of the promise. This means that God's corporate, covenantal standard for the expansion of covenant-keeping families is above 2.1 children per family, which is the biological replacement rate.

The modern world understands hunger as a threat to humanity—not a curse, which is personal, but a threat. Unlike the Bible, a majority of modern humanist intellectuals and their accomplices within Christianity have contrasted the blessing of food with population growth. They have argued since the mid-1960s that in order for the world's poorest people to attain sufficient food supplies, they must be willing to reduce the size of their families. These intellectuals have also frequently argued that the West, which has abundant quantities of food, must give away food to the world's poor. This means having Western governments give food away to the governments of Third World (aid-receiving) nations. Such political food transfers have been going on throughout the post-World War II era.

Anti-population growth proponents refuse to admit that there is no specter of famine haunting the vast majority of humanity, and where it does haunt a handful of small, backward nations, all located in Africa, this is the result of government policies, such as: (1) war, especially civil war; (2) a government monopoly on the purchase of food from farmers, with prices set far below market prices; or (3) government intervention into the local agricultural economy.[3] That is to

3. An example: the decision by Western nations in the late 1960s to dig water wells in sub-Sahara Africa, which led the nomads to locate their herds close to the "free" water.

say, people face food shortages because the free market is not allowed to function.[4]

C. Physical Limits to Growth

Boundaries are limits. In a finite world, there are limits to every promise of growth. These limits may be geographical or they may be economic, but there are limits to growth. This is the inescapable reality of finitude. The process of compound physical growth cannot go on forever in a finite world. Growth has temporal limits.[5]

1. Population Growth

God calls for population growth because He calls for covenantal obedience. He wants to see positive growth in covenant-keeping societies. *Long-term compound growth is a moral imperative in God's covenantal universe*. Long-term stagnation is a sign of God's curse. Yet there are unquestionably limits to growth. This is why God's call for population growth points to God's final judgment at the end of history and the transformation of mankind into a host like the angels: fixed numbers, either in the lake of fire (Rev. 20:14–15) or in the resurrected New Heaven and New Earth (Rev. 21:1–2).

Covenant-breakers who do not wish to think about the final judgment have become advocates of zero population growth: an exchange, either compulsory or voluntary, either natural or political, of a compounding human population for extra eons of time. The growing acceptance by intellectuals in the West of the zero-population growth movement[6] and the zero economic growth movement,[7]

This produced overgrazing and famine in the mid-1970s. See Claire Sterling, "The Making of the Sub-Saharan Wasteland," *Atlantic Monthly* (May 1974).

4. Appendix G: "Malthusianism vs. Covenantalism."

5. Gary North, "The Theology of the Exponential Curve," *The Freeman* (May 1970). Reprinted in North, *An Introduction to Christian Economics* (Nutley, New Jersey: Craig Press, 1973), ch. 8.

6. Lincoln H. and Alice Taylor Day, *Too Many Americans* (New York: Delta, [1963] 1965); William and Paul Paddock, *Famine—1975! America's Decision: Who Will Survive?* (Boston: Little, Brown, 1967); Paul Ehrlich, *The Population Bomb* (New York: Ballantine, 1968); Gordon Rattray Taylor, *The Biological Time Bomb* (New York: World, 1968); *Population and the American Future*, the Report of the Commission on Population Growth and the American Future (New York: New American Library, 1972). For an economist's critique, see Jacqueline Kasun, *The War Against Population: The Economics and Ideology of World Population Control* (San Francisco: Ignatius, 1988).

7. Ezra J. Mishan, *The Costs of Economic Growth* (New York: Praeger, 1967); Mishan, *The Economic Growth Debate: An Assessment* (London: George Allen & Unwin, 1977); Donella Meadows, *et al., The Limits to Growth* (New York: Universe Books, 1972); E. F. Schumacher, *Small Is Beautiful: Economics As If People Mattered* (New York: Harper &

which became a unified cause and intellectual fad almost overnight in the mid-1960s, testifies to the presence of widespread covenant-breaking and philosophies to match. In 1970, the world's population could have been housed in American middle-class comfort in a city the size of Texas and New Mexico—15% of United States land—with a population density no larger than what one-third of Americans experienced. If people had been content to live in a city as crowded as New York City, they could all have fit in the state of Montana.[8] Yet intellectuals became fearful of the "population bomb."

2. Living Space

At some point, even covenant-keepers will run out of living space if they continue to grow in number. They will reach environmental limits: boundaries beyond which man's dominion cannot extend. We need to consider three facts regarding man's limits to growth. *First*, any rate of growth, if compounded, eventually becomes exponential. The population of any multiplying species approaches infinity as a limit. Environmental finitude makes its presence felt long before population infinitude is reached. The environment places limits on growth. No species can maintain a positive growth rate indefinitely. *Second*, mankind, unlike the angels, is not a numerically fixed host in history. Yet mankind is ultimately limited by the environment. This fact points to the ultimate limit to growth: time. At some point, mankind will reach its maximum population. *Third*, and by far the most significant fact, this point in time of maximum population is reached when God returns in final judgment. What must be understood is that *this maximum population limit is covenantal more than environmental*. It comes because God runs out of mercy for covenant-breakers, not because mankind runs out of living space or food.

The limits of nature and the reality of compound growth indicate a point in history when mankind reaches a maximum. We do not know where this point is—it is in this sense indeterminate—but we know that the environment does impose limits. The economist's evidence for this is the rising price of some goods in relation to others. One thing cannot grow forever. It is governed by what the economist

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Row, 1973); Mancur Olson and Hans H. Landsberg (eds.), *The No-Growth Society* (New York: Norton, 1973); Leopold Kohr, *The Overdeveloped Nations: The Diseconomies of Scale* (New York: Schocken, 1977). For a critique, see E. Calvin Beisner, *Prospects for Growth: A Biblical View of Population, Resources, and the Future* (Westchester, Illinois: Crossway, 1990).

8. Robert L. Sasone, *Handbook on Population* (Author, 1972), p. 98.

calls the law of diminishing returns.[9] But this "Newtonian" insight is significant only insofar as it warns rational covenant-breakers of the reality of finitude and the limits to growth. The reality of finitude is not nearly so significant a limit as the reality of covenantal rebellion. It is not mankind's fertility in general that presses our species toward its *biological limits*; it is rather covenant-breaking man's rebellion that reaches God's *judicial limits* in history. While the logic of finitude does warn scientific man of autonomous mankind's limits—the destruction of all meaning in the heat death of the universe (absolute zero)—this insight can be misinterpreted by covenant-breakers. They can (and have) proposed technical solutions to a covenantal problem. One such proposed solution is the zero-growth ideology.

3. Limits: Newtonian vs. Covenantal

According to a strictly Newtonian interpretation of the environmental limits to growth, the faster the rate of compound growth, the sooner growth will cease or time will run out. The greater the blessings of growth, the shorter the time remaining before time runs out or mankind ceases to grow. Man's limits are regarded as exclusively environmental.

The Bible speaks of other limits as more fundamental. God brings final judgment in response to a final rebellion of human covenant-breakers against human covenant-keepers (Rev. 20:7–10). The discussion of the limits to growth needs to be framed in terms of the Bible's covenantal limits—moral, judicial, and eschatological—rather than in terms of Newtonian environmental limits: mathematical, physical, and biological.[10]

9. Gary North, *Sovereignty and Dominion: An Economic Commentary on Genesis* (Dallas, Georgia: Point Five Press, [1982] 2012), ch. 30.

10. There are some journalists and social thinkers who prefer to substitute quantum mechanics for Newtonian mechanics as a model for social theory. They want to escape the Newtonian world's determinate limits to growth by means of an appeal to the indeterminacy of the quantum world: physical indeterminacy, not merely conceptual. The two most prominent American authors who take this approach are George Gilder and Warren Brookes. At the time of his death in December of 1991, Brookes was working on a book developing this idea. He and I had spent hours on the phone discussing this issue. He had presented an early version of his thesis in *The Economy in Mind* (New York: Universe Books, 1982), ch. 1. He was a Christian Scientist and leaned toward accepting non-physical explanations of man's condition. Gilder outlined his thesis in *Microcosm* (New York: Simon & Schuster, 1989). Eloquent as Gilder was regarding the exponential increase in the power of computers, he could apply his thesis to population growth. Bodies cannot escape into the realm of the quantum in order to evade the limits to growth. Gilder invoked Moore's Law, which says that the number of transistors on commercial microchips doubles every 18 months. This law has held true since

The growth of population points either to the limits of growth or the limits of time. Because the Bible affirms that the limits to covenant-keeping man's population growth are covenantal rather than biological, the Bible affirms that there will be a final judgment. The Bible's promise of growth in one segment of the human population—covenant-keepers—is a testimony to the end of history. Men are expected to obey God's law; if they do, God promises to extend to them the positive sanction of growth. Therefore, time will run out. But, the Bible also tells us, time will run out before mankind presses against unyielding environmental limits. The primary limit to growth in history is covenantal. The environmental limits to growth are merely theoretical—not hypothetical, but *determinate physical limits* that are *indeterminate in man's knowledge*.

D. Social Limits to Growth

The more fundamental limits to growth are social. This is the economic manifestation of the covenantal principle of hierarchy. Not everyone can attend the best universities, drive the finest automobiles, and wear the latest fashions. These goods are limited in supply. We cannot produce many more of them, so competition to use or own them is intense. Fred Hirsch used the analogy of the person at a sporting event who wants to see the game more clearly. He stands up. But eventually, others also stand up. Then one person stands on tiptoe. Others do the same. Eventually, the tallest people with the strongest lower leg muscles get the best view. So, society informally agrees to sit down at sporting events and in concert halls, since this is less taxing on everyone's leg muscles, and in the long run, nobody can overcome his height limits. Hirsch's point: in this case—seeing over everyone's head—what a few people can do, not everyone can do *at the same time*. He calls such goods and services *positional goods*.[11] As economic growth continues, more and more people can afford to buy these goods, so more will be produced. When this happens, these goods lose their initial character: providing the owners with status, i.e., position. Other goods and services, more fixed in number, are

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the late 1960s. The law seems to overcome certain physical limits. But Moore's Law does not overcome the limits on biological growth. Moore's Law was discovered by Gordon Moore, the co-founder of Intel, the largest American microchip producer. On Moore's Law and its astounding implications, see Raymond Kurzweil, in *The Law of Accelerating Returns* (March 7, 2001).

11. Fred Hirsch, *The Social Limits to Growth* (London: Routledge & Kegan Paul, 1978), p. 11.

then sought by those seeking status. There will always be positional goods.

1. Barriers to Entry

One of the ways that the rich defend themselves from new competitors is to create government barriers to entry. They get laws passed to keep "the unwashed" middle classes and successful entrepreneurs at a safe distance. Their problem is that the free market system extends wealth to many people. As economist Thomas Sowell described it, the poor can outbid the rich collectively; there are so many of them. Land developers start buying of formerly unoccupied land in order to sell condominiums and other smaller property units to the upper middle class. Businessmen serve the needs of the less rich because the world of the less rich is where the money is. The less rich collectively bid valuable property away from the rich. This is especially true of scarce resources such as beachfront property and wilderness areas located within driving distance of commercial airports. In response to this competitive threat to their "free ride"—scenery they do not own or are afraid their rich neighbors' heirs will sell to developers—the rich seal off land adjacent to their valuable property in the name of preserving the environment. They do this by having the state legislate limits on all new real estate development.[12]

2. "Old Money"

Members of the wealthiest class in the United States—what some analysts have called "Old Money"—have for over a century regarded themselves as the trustees of the nation's beautiful things: art and scenic land. By trustees, they have in mind those special people who can properly maintain these assets, mainly for themselves and their own social class. As the value of these scarce positional goods has increased, these self-appointed trustees have sought government intervention to enable them to keep the middle classes away from these treasures.

Nature is regarded by the Old Money as the means of an ordeal process (i.e., initiation rite) which the young males of this class are

12. Thomas Sowell, "Those Phony Environmentalists," *Los Angeles Herald Examiner* (March 23, 1979); reprinted in Sowell, *Pink and Brown People and Other Controversial Essays* (Stanford, California: Hoover Institution Press, 1981), pp. 104–5. See my summary in North, *Authority and Dominion: An Economic Commentary on Exodus* (Dallas, Georgia: Point Five Press, 2012), Part 3, *Tools of Dominion* (1990), ch. 44:J.

supposed to experience as a means of both health and maturation.[13] For example, at the age of 23, future author Francis Parkman (*The Oregon Trail*, 1849) was sent west by his wealthy Boston family for his health just prior to the California gold strike that launched the great gold rush. Over the next half century, he was followed by many others of his class.[14] Among them was the Old Money's most famous career model, Theodore Roosevelt, who spent much of his youth in the West shooting game, and who, as President of the United States (1900–1909), became the legendary promoter of conservation and Federal land control through a system of national parks.[15]

A new paganism has appeared, and members of the Old Rich have been its dedicated promoters. As Nelson Aldrich, one of their own, wrote in 1988: "Nature worship today is laying the spiritual and institutional groundwork for the closest thing to a widespread social religion (as opposed to the individualistic religion of success) that Americans have ever had. Nature is sacred to millions of people in America. . . ."[16]

We have now entered the political battle for control over nature, he said, a battle that is both religious and economic. "The social religion of Nature, which began with rich kids going outdoors for their health, ends in political action against the market—the condo developers, the shopping-mall impresarios, the army of entrepreneurs whom Old Money (and not Old Money alone) imagines to be despoiling Arcadia."[17] As Aldrich's book makes clear, the Old Money deeply distrusts and sometimes even despises the open-entry system known as the free market, for the free market transfers economic power to the masses. This is why Old Money supports such organizations as the Nature Conservancy, the Wilderness Society, and the Sierra Club.[18] These groups are using their tax-exempt foundation status to buy up and seal off millions of acres of land across the nation. They use tax money to do it.

13. Nelson W. Aldrich, Jr., *Old Money: The Mythology of America's Upper Class* (New York: Knopf, 1988), pp. 158–69. Aldrich was the great-grandson of the U. S. Senator who in 1912 introduced the original version of the legislation that created the Federal Reserve System (1913), the quasi-private U.S. central bank. The original Aldrich became fabulously wealthy as a pay-off from the business and banking interests that controlled him throughout his career, as this book chronicles without remorse.

14. *Ibid.*, p. 160.

15. *Ibid.*, p. 161.

16. *Ibid.*, p. 158.

17. *Ibid.*, p. 169.

18. *Ibid.*, pp. 222–23. For a brief survey of these three groups, see Jo Kwong Echard, *Protecting the Environment: Old Rhetoric, New Imperatives* (Washington, D.C.: Capital Research Center, 1990), Appendixes 8–10.

The system works approximately like this. First, these organizations target certain prime wilderness areas. Second, individuals in the know buy land near these targeted areas, thereby locking up property that, in Warren Brookes' words, is ideal for "profitable upscale adjacent residential development that is then used to finance still more acquisition."[19] Third, they use tax-deductible money to buy up the prime land that makes the nearby developed areas valuable. Fourth, they sell these prime parcels—but not the land designated for development—to the United States government, thereby halting any further development inside the newly "socialized" boundaries. Fifth, they develop their privately owned parcels. Presto: a marvelous legal monopoly, purchased at low prices in part with taxpayers' money. A similar process works internationally. Large New York banks—protected by the United States government's bank deposit insurance system and also by the policies of the quasi-private Federal Reserve System—are making debt-for-nature swaps, exchanging their now-depreciated Third World debt certificates for prime land in those nations.[20] This process also can be used to remove prime land from development by those other than the favored few.

Aldrich wrote: "The roots of Old Money environmentalism go back to the most fiercely protected of all the treasures of Old Money, the summer places on the coast of Maine, their 'camps' in the Adirondacks, their ranches out West."[21] An early operational model of this plan was designed by John D. Rockefeller, Jr. He bought a summer home on Mt. Desert Island in Maine. This unique island became the summer center of America's Establishment—the place where elites from different fields—finance, industry, journalism, foreign policy, and religion—met and mixed with each other.[22] Rockefeller and Edsel Ford, along with other affluent neighbors, over a period of years bought up 5,000 acres on the island and then turned this property over to the National Park Service in 1916. This became the first national park in the eastern states.[23] Two pairs of favorable biographers insist that this was in no way a self-serving act because Rockefeller

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19. Warren Brookes, *Washington Times* (Jan. 29, 1991), cited by Larry Abraham and Franklin Sanders, *The Greening* (Atlanta, Georgia: Soundview, 1993), p. 93.

20. Abraham and Sanders, *Greening*, pp. 51–53, 59–61, 93.

21. Aldrich, *Old Money*, p. 223.

22. William R. Hutchison, "Protestantism as Establishment," in Hutchison (ed.), *Between the Times: The Travail of the Protestant Establishment in America, 1900–1960* (New York: Cambridge University Press, 1989), p. 10.

23. Peter Collier and David Horowitz, *The Rockefellers: An American Dynasty* (New York: Holt, Rinehart and Winston, 1976), p. 147.

then went on to promote national conservation all over the country.[24] On the contrary, this conservation impulse is enormously self-serving. Buying up geographically unique and aesthetically desirable land for personal use and then placing the surrounding property under government control is part of a systematic elitist strategy. The rich maintain the "unspoiled" wilderness which lies on the fringes of their spacious retreats—"unspoiled" in this case meaning "legally cut off from the less rich." The less rich may be allowed to hike in, but they are not allowed to buy land, build cabins, and in other ways permanently "spoil nature." This process of selective exclusion through government control accelerated as the twentieth century moved forward.

E. Angelic Hosts Are Fixed; Races Are Not

Living species multiply. Angels do not. The angels constitute a fixed host. In heaven and hell, the number of angels remains constant. This fact of life is rarely discussed by theologians and never by social theorists. It should be. It is fundamental to understanding the ultimate origin of the zero population growth ideology.

Satan rules representatively, just as God does. He rules hierarchically. But, unlike God, Satan is neither omniscient nor omnipotent. His decree is that of a creature: under God's decree. This has organizational consequences for the way he exercises power. He is dependent on the supply of information flowing to him, whether from demonic beings or from other sources. This flow of information is limited. It contains "noise," just as it does for humans. God is omniscient; Satan is not. He gets confused. He has trouble monitoring the thoughts and activities of those under his covenant.

This flow of information is finite. So is his power to make decisions and enforce them. To the extent that his sources of information and power depend on the activities of those under his command, he faces a problem. The more people he needs to monitor, the greater the flow of accurate information necessary to his empire. The greater the number of people, the more strain this places on the resources at his disposal. In short, Satan's host is put under ever-greater pressure as the human population under their covenantal authority grows. This is even more true of the pressures brought by those under God's covenantal authority. The more covenant-keepers on earth, the more

24. *Ibid.*, p. 148; John Ensor Harr and Peter J. Johnson, *The Rockefeller Century* (New York: Charles Scribner's Sons, 1988), p. 200.

the breakdown of Satan's control. Like a juggler who has to keep a growing number of oranges in the air, so is Satan.

People are a threat to Satan. They multiply; his demonic host does not. Even covenant-breakers pose a problem: the coordination of Satan's plans becomes more difficult as mankind's numbers increase. Then there is the eschatological threat: a major move by the Holy Spirit could adopt large numbers of covenant-breakers into the family of God. When this happens, Satan's fixed host will have their hands full, to use a non-angelic expression. More than full: they will find control over events slipping through the equivalent of their fingers.

The increase of mankind's numbers poses no threat to the host of heaven, for God is absolutely sovereign. God is not dependent on His angels for information. God does not suffer from information overload. There is no noise in God's perception. The angels of heaven need not rely on their own mastery of history. They rely on God. Thus, for the angels, the multiplication of humanity poses no organizational threat. They outnumber Satan's host by two to one. Stars and angels are linked symbolically in Scripture. We read: "And there appeared another wonder in heaven; and behold a great red dragon, having seven heads and ten horns, and seven crowns upon his heads. And his tail drew the third part of the stars of heaven, and did cast them to the earth: and the dragon stood before the woman which was ready to be delivered, for to devour her child as soon as it was born" (Rev. 12:3–4).[25] Two-thirds were loyal.

A growing population creates problems for any creature who seeks to control history. The addition of more humans creates problems for Satan and his host. Men necessarily must represent either God or Satan in history. Those who represent Satan are rebels, just as he is. They cannot be trusted, just as he cannot be trusted. Thus, Satan benefits from a growing population only insofar as he can keep them under his covenant and entrap them. The threat of their rejection of his covenant grows ever-greater over time. More humans will join God's forces, and more likelihood that God will send His promised days of blessing.[26]

This is why the zero population growth movement and the abortion movement can be accurately described as satanic. These move-

25. The numbers of the judgments on earth described in Revelation 8 also indicate a two-to-one advantage.

26. Kenneth L. Gentry, Jr., *He Shall Have Dominion: A Postmillennial Eschatology,* 2nd. ed. (Tyler, Texas: Institute for Christian Economics, [1992] 1997).

ments are not ethically neutral responses to widespread sociological forces that threaten mankind's survival. They are religious movements that are opposed to the positive blessings of God, which in turn promote His kingdom.

F. Israel's Limits

The question for Israel was this: When these limits to population growth were reached inside the nation's geographical boundaries, how did God expect the Israelites to overcome these population limits? There were either geographical limits or population limits. Walking to the feasts placed geographical limits on Israel, but without limits on Israel's population, Israel's geographical limits would be breached. Conclusion: God mandated another exodus beyond the borders of Israel when He established population expansion as His covenantal standard. The Israelites were expected to move outside of the geographical boundaries of Israel. This was the meaning of Christ's metaphor of new wine in old wineskins (Matt. 9:17): the fermenting new wine would burst its inflexible container. His people were always intended to inherit the earth, not just the land of Israel.

> For evildoers shall be cut off: but those that wait upon the LORD, they shall inherit the earth (Ps. 37:9).
>
> But the meek shall inherit the earth; and shall delight themselves in the abundance of peace (Ps. 37:11).
>
> For such as be blessed of him shall inherit the earth; and they that be cursed of him shall be cut off (Ps. 37:22).

Inheritance in Israel implied growth for obedient covenant-keepers: growth in the number of heirs and growth in the value of their individual inheritances. But geographical limits—family land, tribal land, national land—were judicially fixed by the terms of the conquest. A growing number of heirs necessitated a declining per capita landed inheritance within the Promised Land. This pointed to the eschatological nature of God's covenantal laws of inheritance: a transcending of Israel's geographical boundaries. The promised inheritance of covenant-keepers pointed to the breaking of the boundaries of the Promised Land. The limits to growth of *confessional Israel* would not be the boundaries of *geographical Israel*. The original conquest of Canaan would cease to be a limiting factor in the extension of God's covenantal boundaries.

G. Entropy

There is a trade-off between population growth and time remaining to mankind. The covenant-breaker understands this trade-off. Above all else, he wishes to escape final judgment, and understandably so. Thus, he seeks to find some way around the covenantal implications of population growth. One way of doing this is to deny that mankind's growth will continue in history. It will stop, covenant-breakers insist, but this will not end history. Another way of doing this is to deny that history will end as a result of God's Second Coming in final judgment. Instead, the universe itself will bring impersonal judgment to the processes of time: the heat death of the universe. This is the final judgment of the second law of thermodynamics: the one-way movement of kinetic (potential) energy into heat. Entropy will smother all life and motion, including time itself, in its frozen grip of absolute zero.[27]

The covenant-breaker prefers this view of universal impersonal death to the Bible's view of personal death, meaning the second death: "And death and hell were cast into the lake of fire. This is the second death. And whosoever was not found written in the book of life was cast into the lake of fire" (Rev. 20:14–15). Better the "heat death" of the universe—frozen wastes—than the eternal heat death of covenant breakers.

Any attempt to place an absolute environmental limit around mankind's long-term population growth, while simultaneously affirming the extension of time beyond this absolute limit, is necessarily an attempt to deny or deflect the biblical doctrine of final judgment. It is the inevitability of some final physical limit to the population growth of covenant-keepers that points to one of two things: (1) the future breaking of the corporate covenant, but without God's temporal judgments against covenant-breakers, and without the subsequent restoration of His people, i.e., (a) a steady-state, zero-growth population or (b) a shrinking population; or (2) the end of history, either because of (a) God's final judgment or (b) the death of mankind as a species.

In order to affirm both the reliability and inevitability of God's corporate, covenantal promises (i.e., His positive biological sanctions) in history, the Christian has to insist on the covenantal inevitability of the final judgment, when mankind will at last become a fixed host:

27. Gary North, *Is the World Running Down?: Crisis in the Christian Worldview* (Tyler, Texas: Institute for Christian Economics, 1988), ch. 2.

covenant-keepers (New Heaven and New Earth) and covenant-breakers (lake of fire). Either man's corporate growth will cease in history or history will cease. God's covenantal promises point to the second option. The promises of God insist that corporate growth will not cease where men keep God's covenant law-order. These promises include the restoration in history of a formerly covenant-keeping society after its people have broken God's law.

> And I will restore thy judges as at the first, and thy counsellors as at the beginning: afterward thou shalt be called, The city of righteousness, the faithful city (Isa. 1:26).

> For I will restore health unto thee, and I will heal thee of thy wounds, saith the LORD; because they called thee an Outcast, saying, This is Zion, whom no man seeketh after (Jer. 30:17).

> Know therefore and understand, that from the going forth of the commandment to restore and to build Jerusalem unto the Messiah the Prince shall be seven weeks, and threescore and two weeks: the street shall be built again, and the wall, even in troublous times (Dan. 9:25).

H. The Malthusians

When Rev. Thomas Robert Malthus wrote his anonymous first edition of his *Essay on the Principle of Population* (1798), he accelerated a great debate over the desirability of population growth. Although in later editions of his famous essay he modified the stark environmentalism of the original, it is his original words that have been cited again and again: "Population, when unchecked, increases in a geometrical ratio. Subsistence increases only in an arithmetical ratio."[28] Put another way, the population of the species *man* grows at a geometrical rate, while the populations that man consumes grow at an arithmetical rate. This indicates that man is something special in creation: a species limited by its environment in a unique way. Also, geometrical (exponential) growth being what it is, mankind reaches its environmental limits a lot faster than any other species does. How, then, can mankind keep growing? Why, by 1798, had not mankind long since reached its limits to growth? Why was the population of Europe accelerating rapidly by the time Malthus wrote his essay? There are no obvious answers, which may be why Malthus abandoned this now-familiar phrase in the many subsequent editions of the essay.

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28. Thomas Robert Malthus, *An Essay on the Principle of Population* (New York: Penguin Books, [1798] 1982), p. 71.

From 1798 until today, there have been avid followers of some version of Malthus' error. They regard man as a cancer on a benign host, nature. Western man is the most cancerous of all. Western man is dominion man, and this spells the end of nature, said "deep ecologist"[29] Bill McKibben: "We have deprived nature of its independence, and that is fatal to its meaning. Nature's independence *is* its meaning; without it there is nothing but us."[30] He is correct: the Western world still lives intellectually in the shadow of Genesis 1:26–28. "The idea that the rest of creation might count for as much as we do is spectacularly foreign, even to most environmentalists."[31] Man is seen by deep ecologists as a uniquely destructive species in nature.

The question of man's population growth is connected to the question of time. If man's population growth remains positive, then either time or space will run out eons before the heat death of the universe brings its impersonal judgment on the universe. The humanist decries the first outcome—mankind's filling up of his environmental space—because he recoils in terror at the thought of the second. But man will fill the earth. This will fulfill a major aspect of the dominion covenant (Gen. 1:28). After that comes the final rebellion and the final judgment (Rev. 20:7–9). This eschatological scenario alienates humanists of both persuasions: mechanical and organic. It rests on a presupposition: the environment is under man. If true, then nature is not autonomous.

The autonomy of nature implies the near-permanence of nature. For the humanist, man's meaning must be subordinated to nature's permanence. To save man from God's judgments, man must submit to nature's. McKibben wrote: "The chief lesson is that the world displays a lovely order, an order comforting in its intricacy. And the most appealing part of this harmony, perhaps, is its permanence—the sense that we are part of something with roots stretching back nearly forever, and branches reaching forward just as far. Purely human life provides only a partial fulfillment of this desire for a kind of immortality. . . . But the earth and all its processes—the sun growing plants, flesh feeding on these plants, flesh decaying to nourish

29. The deep ecologists go beyond ecologists who want scientific planners to protect the environment in the name of mankind's higher interests. The deep ecologists want nature to govern man, or at the very least, want scientific planners to sacrifice mankind's desires in the name of nature's autonomy and therefore its authority over the wants of men.

30. Bill McKibben, *The End of Nature* (New York: Random House, 1989), p. 58.

31. *Ibid.*, p. 174.

more plants, to name just one cycle—gives us some sense of a more enduring role."[32] It is nature's cyclical processes within a temporally unbounded universe that supposedly provide meaning to man, who alone in the universe perceive nature's meaning. If time is essentially unbounded but the environment is not, then man's population must be made bounded. A growing human population is a threat to this worldview: a worldview bounded by physical limits rather than temporal. Temporal limits are too dangerous, for they imply a God beyond time who breaks into time, bringing final judgment.

The Malthusians challenge the possibility and therefore the legitimacy of temporally unbounded compound growth. The idea that God rewards covenantally faithful societies with expansion—numerically, economically, and geographically—appalls the Malthusians. A growth-oriented secular economist is willing to challenge the Malthusian vision, but only because he refuses to discuss biological limits as absolute limits.[33] But there *are* biological limits, even though the human population may reach 30 billion or 40 billion or 500 billion before these limits are reached. The fact is, the biological limits to mankind's growth on earth are measured in centuries, not eons. The limit of the speed of light restricts man's geographical extension. This brings covenant-breaking man face to face with one of two limits: biological expansion or temporal extension.

Conclusion

The fundamental economic issue is not population growth. It is not the increase of food per capita. It is not capital invested per person. The fundamental economic issue is ethical: *God's covenant*. Nevertheless, the language of Leviticus 26:9–10 is agricultural. Why? Because in an agricultural society, the mark of God's blessing is food. God promised to provide bread for all. He also promised to increase their numbers.

This does not mean that He promised nothing else to them. He promised an agricultural people access in history to the city of God, the New Jerusalem (Rev. 21). The city of God is the image of a regenerate society. The city is therefore not inherently evil. Urban life is not inherently depersonalizing. Covenant-breaking is evil and depersonalizing. Covenant-breaking is made less expensive in cities because of

32. *Ibid.*, p. 73.

33. Economists rarely discuss absolute limits. To them, all limits are marginal and relative.

the higher costs of gathering information about individual actions, as well as the higher costs of imposing informal social sanctions. The anonymity of urban life makes social pressures to conform to moral standards much less effective than they are in rural or small-town regions. But covenant-breaking is not uniquely inherent to cities. It can be overcome through God's grace.

If this were not the case, then the promise of population growth would be a threat to the covenant. A covenantal blessing would inevitably become a covenantal curse. The grace of God would necessarily produce the wrath of God. This is the operational viewpoint of both premillennialism and amillennialism regarding church history, but it is a false view of history.[34] While covenantal blessings can and have led to corporate covenant-breaking, just as God warns (Lev. 26; Deut. 8; 28), they do not inevitably lead to them. The covenant's blessings are conditional; they do not continue indefinitely irrespective of corporate obedience. God's negative corporate sanctions come in history, and then society is given another opportunity to repent and rebuild: "And they shall build the old wastes, they shall raise up the former desolations, and they shall repair the waste cities, the desolations of many generations" (Isa. 61:4).

The biblical view of history is growth-oriented. It not only proclaims the possibility of population expansion and increasing wealth per capita, it also establishes these as mandatory corporate goals in history. Until mankind becomes a fixed host at the end of history—covenant-breakers in the lake of fire eternally (Rev. 20:14–15), covenant-keepers developing the New Heaven and New Earth (Rev. 21; 22)—covenant-keeping mankind is expected by God to grow in numbers, wealth, and influence.

34. Gary North, *Millennialism and Social Theory* (Tyler, Texas: Institute for Christian Economics, 1990), chaps. 4, 5, 9.

34

GOD'S ESCALATING WRATH

> *I am the* L*ORD* *your God, which brought you forth out of the land of Egypt, that ye should not be their bondmen; and I have broken the bands of your yoke, and made you go upright. But if ye will not hearken unto me, and will not do all these commandments; And if ye shall despise my statutes, or if your soul abhor my judgments, so that ye will not do all my commandments, but that ye break my covenant: I also will do this unto you; I will even appoint over you terror, consumption, and the burning ague, that shall consume the eyes, and cause sorrow of heart: and ye shall sow your seed in vain, for your enemies shall eat it. And I will set my face against you, and ye shall be slain before your enemies: they that hate you shall reign over you; and ye shall flee when none pursueth you.*
>
> LEVITICUS 26:13–17

The theocentric issue here is the fear of God, which is related to His law and its negative sanctions: point four of the biblical covenant model.[1]

A. Sanctions and Succession

This passage introduces that section of Leviticus 26 which lists the types of negative corporate sanctions in history that Israel could expect if God's covenant people violated God's law. As is true of Deuteronomy 28, a parallel passage on corporate sanctions, the negative sanctions greatly outnumber the positive sanctions. The Israelites were to understand the theocentric basis of wisdom: "The fear of the LORD is the beginning of wisdom: and the knowledge of the holy is understanding" (Prov. 9:10).

1. Ray R. Sutton, *That You May Prosper: Dominion By Covenant*, 2nd ed. (Tyler, Texas: Institute for Christian Economics, [1987] 1992), ch. 4. Gary North, *Unconditional Surrender: God's Program for Victory*, 5th ed. (Dallas, Georgia: Point Five Press, 2010), ch. 4.

This section on sanctions appears in the fifth section of the Book of Leviticus. The fifth point of the covenant deals with succession. Why does a section on sanctions appear here? Because sanctions are linked covenantally to succession. This is why eschatology cannot be separated covenantally from theonomy, i.e., God's law and its biblically mandated sanctions. Sanctions determine who will inherit what: inheritance and disinheritance. God identifies Himself as the God of the covenant: deliverer, law-giver, and sanctions-bringer. God's threat of temporal wrath is to redirect the attention of citizens of a holy commonwealth to the possibility of disinheritance in history: wrath as the prelude to corporate disinheritance.

B. The Fear of God

The passage begins with a reminder: the God who threatens these historical sanctions is the God of corporate grace in history. He led them out of bondage in Egypt. They had been bent under the yoke of slavery, but He had broken their yoke and made them walk upright. This upright physical walk was analogous to an upright ethical walk. The language of walking before God is the language of covenantal obedience, both individual and corporate.[2] The morally crooked walk is mirrored by the bent walk of the slave who is under a yoke.

The temptation is always disobedience to God's standards (point three of the biblical covenant model). "But if ye will not hearken unto me, and will not do all these commandments; And if ye shall despise my statutes, or if your soul abhor my judgments, so that ye will not do all my commandments, but that ye break my covenant." This necessarily involves the threat of negative sanctions (point four). "I will even appoint over you terror, consumption, and the burning ague, that shall consume the eyes, and cause sorrow of heart." The essence of this sanction is disinheritance (point five). "And ye shall sow your seed in vain, for your enemies shall eat it." Invaders will inherit: "And

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2. "And when Abram was ninety years old and nine, the LORD appeared to Abram, and said unto him, I am the Almighty God; walk before me, and be thou perfect" (Gen. 17:1). "And ye shall not walk in the manners of the nation, which I cast out before you: for they committed all these things, and therefore I abhorred them" (Lev. 20:23). "In the ninth year of Hoshea the king of Assyria took Samaria, and carried Israel away into Assyria, and placed them in Halah and in Habor by the river of Gozan, and in the cities of the Medes. For so it was, that the children of Israel had sinned against the LORD their God, which had brought them up out of the land of Egypt, from under the hand of Pharaoh king of Egypt, and had feared other gods, And walked in the statutes of the heathen, whom the LORD cast out from before the children of Israel, and of the kings of Israel, which they had made" (II Kings 17:6–8).

I will set my face against you, and ye shall be slain before your enemies: they that hate you shall reign over you; and ye shall flee when none pursueth you." So fearful will God's people become that they will flee when none pursue.

The covenantal issue is the fear of God. When men refuse to fear God, He raises up others who will terrify them. Covenant-breakers will thereby learn to fear God's human agents of wrath, so that they might better learn to fear God. The point is this: God is worth fearing even more than military invaders. If the stipulations of the Creator are widely ignored, then military invaders will become increasingly difficult to ignore. In this regard, the covenant-breaking adult is as foolish as a child. A father spanks a child when the child runs into a busy street. The real threat to the child is the street's traffic, but the child is fearless before this external threat. He must learn to fear his father in order to learn the greater fearfulness of the street. He fears the lesser threat more than the greater threat. Similarly, the sinning covenant-breaker loses his fear of the Father—the far greater threat—and must be reminded to fear God by a lesser external threat. The magnitude of God's wrath is manifested by the magnitude of the threat of military sanctions: God's wrath is more of a threat than a military defeat. The lesser threat is imposed by God in order to remind men of the greater threat.

C. Softening Their Resistance

The first negative sanction is both psychological and physical: terror and consumption. This will produce sorrow. This defensive mentality is the mentality of the slave and the prisoner. The second threatened negative sanction is military defeat. If this threat fails to persuade them to repent, the sanctions will escalate further. "And if ye will not yet for all this hearken unto me, then I will punish you seven times more for your sins" (Lev. 26:18). The stated punishment is drought. God's wrath is manifested by His destruction of the covenantal nation's food supply. This was a major threat to a pre-modern agricultural society. "And I will break the pride of your power; and I will make your heaven as iron, and your earth as brass: And your strength shall be spent in vain: for your land shall not yield her increase, neither shall the trees of the land yield their fruits" (Lev. 26:19–20). Drought was God's means of softening up the resistance of King Ahab against Elijah's message (I Kings 17:1).

1. Inheritance

As in the case of Egypt, the next sanction involved the children: "And if ye walk contrary unto me, and will not hearken unto me; I will bring seven times more plagues upon you according to your sins. I will also send wild beasts among you, which shall rob you of your children, and destroy your cattle, and make you few in number; and your high ways shall be desolate" (Lev. 26:21–22). God sent beasts against those children who mocked the prophet Elisha: "And he went up from thence unto Bethel: and as he was going up by the way, there came forth little children out of the city, and mocked him, and said unto him, Go up, thou bald head; go up, thou bald head. And he turned back, and looked on them, and cursed them in the name of the Lord. And there came forth two she bears out of the wood, and tare [tore] forty and two children of them" (II Kings 2:23–24).

The judgments are again military: "And if ye will not be reformed by me by these things, but will walk contrary unto me; Then will I also walk contrary unto you, and will punish you yet seven times for your sins. And I will bring a sword upon you, that shall avenge the quarrel of my covenant: and when ye are gathered together within your cities, I will send the pestilence among you; and ye shall be delivered into the hand of the enemy. And when I have broken the staff of your bread, ten women shall bake your bread in one oven, and they shall deliver you your bread again by weight: and ye shall eat, and not be satisfied" (Lev. 26:23–26). Enemies laying siege outside the gates, pestilence and hunger inside the gates: so shall covenant-breakers be reminded of the importance of God's law.

But even this may prove futile. "And if ye will not for all this hearken unto me, but walk contrary unto me; Then I will walk contrary unto you also in fury; and I, even I, will chastise you seven times for your sins. And ye shall eat the flesh of your sons, and the flesh of your daughters shall ye eat" (Lev. 26:27–29). This was fulfilled in the days of Elisha, during Ben-hadad's siege of Samaria:

> And it came to pass after this, that Ben-hadad king of Syria gathered all his host, and went up, and besieged Samaria. And there was a great famine in Samaria: and, behold, they besieged it, until an ass's head was sold for fourscore pieces of silver, and the fourth part of a cab of dove's dung for five pieces of silver. And as the king of Israel was passing by upon the wall, there cried a woman unto him, saying, Help, my lord, O king. And he said, If the Lord do not help thee, whence shall I help thee? out of the barnfloor, or out of the winepress? And the king said unto her, What aileth

> thee? And she answered, This woman said unto me, Give thy son, that we may eat him to day, and we will eat my son to morrow. So we boiled my son, and did eat him: and I said unto her on the next day, Give thy son, that we may eat him: and she hath hid her son. And it came to pass, when the king heard the words of the woman, that he rent his clothes; and he passed by upon the wall, and the people looked, and, behold, he had sackcloth within upon his flesh (II Kings 6:24–30).

2. Captivity

Destruction would come upon all the land, rural and urban. If men refused to honor the sabbatical year of release, God promised to give the land its rest through the captivity of the nation.

> And I will make your cities waste, and bring your sanctuaries unto desolation, and I will not smell the savour of your sweet odours. And I will bring the land into desolation: and your enemies which dwell therein shall be astonished at it. And I will scatter you among the heathen, and will draw out a sword after you: and your land shall be desolate, and your cities waste. Then shall the land enjoy her sabbaths, as long as it lieth desolate, and ye be in your enemies' land; even then shall the land rest, and enjoy her sabbaths. As long as it lieth desolate it shall rest; because it did not rest in your sabbaths, when ye dwelt upon it" (Lev. 26:31–35).

The captivity of the people of Israel would be a negative sanction against the people and a positive sanction for the land:

> The land also shall be left of them, and shall enjoy her sabbaths, while she lieth desolate without them: and they shall accept of the punishment of their iniquity: because, even because they despised my judgments, and because their soul abhorred my statutes (Lev. 26:43).

This judgment was imposed by God in the days of Jeremiah:

> And they [the Chaldeans] burnt the house of God, and brake down the wall of Jerusalem, and burnt all the palaces thereof with fire, and destroyed all the goodly vessels thereof. And them that had escaped from the sword carried he away to Babylon; where they were servants to him and his sons until the reign of the kingdom of Persia: To fulfil the word of the Lord by the mouth of Jeremiah, until the land had enjoyed her sabbaths: for as long as she lay desolate she kept sabbath, to fulfil threescore and ten years (II Chron. 36:19–21).

The people were to eat the fat of the land of promise. This was God's promised positive sanction. They would feed on the land. In contrast, the negative sanction of captivity was pictured as another kind of feast: the eating of the people by a foreign land. "And ye shall

perish among the heathen, and the land of your enemies shall eat you up. And they that are left of you shall pine away in their iniquity in your enemies' lands; and also in the iniquities of their fathers shall they pine away with them" (Lev. 26:38–39).

Step by step, sanction by sanction, God would bring them face to face with the magnitude of their rebellion. The goal was their repentance: "If they shall confess their iniquity, and the iniquity of their fathers, with their trespass which they trespassed against me, and that also they have walked contrary unto me; And that I also have walked contrary unto them, and have brought them into the land of their enemies; if then their uncircumcised hearts be humbled, and they then accept of the punishment of their iniquity: Then will I remember my covenant with Jacob, and also my covenant with Isaac, and also my covenant with Abraham will I remember; and I will remember the land" (Lev. 26:40–42). Negative corporate sanctions in history are designed to restore covenantal faithfulness on the part of God's people. They are not judgments unto oblivion but judgments unto restoration.

Conclusion

God's escalating wrath in history serves as a means of restoring dominion by covenant. These negative sanctions are positive in intent: restoring faithfulness and, in the case of captivity, providing rest to the land itself. These sanctions were part of the covenantal law-order of Israel. This is why the section listing the sanctions ends with these words: "These are the statutes and judgments and laws, which the Lord made between him and the children of Israel in mount Sinai by the hand of Moses" (Lev. 26:46). There is no doubt that the sanctions were part of the stipulations. There was no way for Israel to obey God's law without imposing the required negative sanctions. If the authorities refused to impose the stipulated negative sanctions, God would impose His stipulated negative sanctions. These negative sanctions would become progressively more painful. God's negative sanctions were designed to persuade men of the integrity—the seamlessness—of God's revealed law. If the people refused to learn from one set of punishments, God threatened to impose worse punishments.

The principle underlying this escalation of negative sanctions is simple to state: "But he that knew not, and did commit things worthy of stripes, shall be beaten with few stripes. For unto whomsoever much is given, of him shall be much required: and to whom men have

committed much, of him they will ask the more" (Luke 12:48).[3] The escalating sanctions in Israel were a form of covenant-affirmation: establishing the social predictability of God's law. The reliability of God's law was visible in the escalation of God's corporate sanctions, both positive and negative.

Modern Christian theologians assume that the Mosaic Covenant's divine sanctions no longer operate in the New Covenant era.[4] From this idea (or at least paralleling it), they conclude that the Mosaic Covenant's civil sanctions are no longer valid. This is logical, given the incorrect presupposition. The divine sanctions undergirded the Bible-revealed familial, civil, and ecclesiastical stipulations; if the authorities refused to impose these mandatory sanctions, God would then impose His sanctions. If the threat of God's corporate sanctions are removed, then the sanctions undergirding the institutional sanctions are absent. Without sanctions, there is no law. *Biblical sanctions are inseparable from biblical stipulations: no sanctions = no law.* Remove God's corporate sanctions in history, and the legal order becomes judicially autonomous in history.

The autonomy of society from God's Bible-revealed law is the agreed-upon agenda of an implicit alliance between the humanists and the pietists. The humanists assume that God's corporate sanctions have always been mythological. Christian pietists assume that these sanctions have been annulled by the New Covenant. This pair of false assumptions serves as the judicial basis of the humanist-pietist alliance against the ideal of God's theocratic kingdom in history: Christendom.

If God's sanctions did not operate predictably in history, it would be impossible to produce a self-consciously biblical form of social theory. Christians would have to rely on some version of pagan natural law theory in order to construct their social theories. This is what they have done for almost two millennia. With the collapse of natural law theory after Darwin, Christian social theory has floundered. Darwin's target was William Paley's providential and teleological order; he hit his target.[5] Everyone standing behind this target has been epistemologically defenseless ever since.

3. Gary North, *Treasure and Dominion: An Economic Commentary on Luke*, 2nd ed. (Dallas, Georgia: Point Five Press, [2000] 2012), ch. 28.

4. Gary North, *Millennialism and Social Theory* (Tyler, Texas: Institute for Christian Economics, 1990), ch. 7.

5. Gary North, *Sovereignty and Dominion: An Economic Commentary on Genesis* (Dallas, Georgia: Point Five Press, [1982] 2012), pp. 347–48.

35

THE PRIESTHOOD: BARRIERS TO ENTRY

> *Speak unto the children of Israel, and say unto them, When a man shall make a singular vow, the persons shall be for the* LORD *by thy estimation. And thy estimation shall be of the male from twenty years old even unto sixty years old, even thy estimation shall be fifty shekels of silver, after the shekel of the sanctuary. And if it be a female, then thy estimation shall be thirty shekels. And if it be from five years old even unto twenty years old, then thy estimation shall be of the male twenty shekels, and for the female ten shekels. And if it be from a month old even unto five years old, then thy estimation shall be of the male five shekels of silver, and for the female thy estimation shall be three shekels of silver. And if it be from sixty years old and above; if it be a male, then thy estimation shall be fifteen shekels, and for the female ten shekels. But if he be poorer than thy estimation, then he shall present himself before the priest, and the priest shall value him; according to his ability that vowed shall the priest value him.*
>
> LEVITICUS 27:2–8

The theocentric basis of this passage is that the God of the covenant does allow vows. Vows are oaths. Oaths are associated with point four of the biblical covenant model.[1]

A. Vows and Succession

The question is, what kind of vow is in view here? This is one of the most peculiar passages in the Mosaic law. The rabbinical commentators do not do a better job than the Christians in explaining it, and the Christians are universally perplexed. It is obvious that vows were involved. Money payments were also involved. We need to answer

1. Ray R. Sutton, *That You May Prosper: Dominion By Covenant*, 2nd ed. (Tyler, Texas: Institute for Christian Economics, [1987] 1992), ch. 4. Gary North, *Unconditional Surrender: God's Program for Victory*, 5th ed. (Powder Springs, Georgia: American Vision, 2010), ch. 4.

two questions: What was the nature of the vow? What was the function of the money payment?

To begin to sort out this pair of problems, we must answer this question: What is a vow? Biblically, a vow is a lawful invocation of God's covenantal sanctions, positive and negative. To escape God's corporate negative sanctions, there must be individual vows of repentance: *covenant renewal*. Covenant renewal involves a public reaffirmation of God's covenant: His sovereignty, authority, law, sanctions, and triumph (historical and eschatological). These are the five points of the biblical covenant model.[2] A lawful public affirmation of God's covenant always comes in the form of a vow. In order to set oneself apart judicially before God, one takes a vow. Vows necessarily involve sanctions. They are *self-maledictory oaths* that invoke God's sanctions, positive and negative. Formal judicial separation is based on a vow; it always points to God's sanctions in history. This is why holiness (point three of the biblical covenant model) points to judgment (point four).

The vows in this instance were ecclesiastical. The Hebrew word that describes these vows, *pawlaw*, is translated here as "singular." The translation itself is singular: *pawlaw* is translated as "singular" in the King James Version only in this singular verse. It is elsewhere translated as "marvelous," "wondrous," or "separate." Lawful vows are always out of the ordinary, and these vows were very special vows among vows. They were marvelous vows. The question is: In what way?

Commentators argue about the possible reasons for the placement of this chapter at the end of Leviticus. Why should a section on vows appear at the end of a book on holiness? Gordon Wenham wrote: "It is a puzzle why ch. 27, which deals with vows, should appear in its present position, since ch. 26 with its blessings and curses would have made a fitting conclusion to the book."[3] He offers two possible explanations, neither of them convincing.

I suggest the following explanation: the end of Leviticus marks a transition from a book that centers on point three of the biblical covenant model—holiness, boundaries—to a book that centers on point four: oaths, sanctions. But what about part five of the book, inheritance? Here is the central theme of this passage: the loss of inheritance in one tribe in exchange for inheritance in another tribe.

2. Sutton, chaps. 1–5. North, chaps. 1–5.

3. Gordon J. Wenham, *The Book of Leviticus* (Grand Rapids, Michigan: Eerdmans, 1979), p. 336.

The previous chapter, Leviticus 26, deals with God's positive and negative corporate sanctions in history. The move from an emphasis on point four of the biblical covenant model—sanctions—in chapter 26 to point five—succession—in chapter 27 is appropriate.[4] Negative sanctions in the context of chapter 26 have to do with disinheritance. Chapter 26 presents a catalogue of God's corporate covenantal sanctions. Chapter 27 begins with rules governing a particular type of personal vow. This in turn raises the issue of covenantal continuity. Jordan wrote: "Payment of vows relates to the fifth commandment, as we give to our Divine parent and thereby honor Him, and to the tenth commandment, since payment of vows and tithes is the opposite of covetousness. Thus, this final section of Leviticus has everything to do with continuity."[5] The passage is where it belongs: in part five. The vow relates to inheritance: family continuity over time.

B. Devoted to Temple Service: Irreversible

The text does not tell us what stipulations governed this type of vow. The text also does not provide a context. This is why the commentators get so confused. The old line about "text without context is pretext" is applicable. The law was addressed to priests: "the persons shall be for the Lord by thy estimation." Whose estimation? The priests. Anything dedicated to the Lord is assumed by commentators to have been dedicated to or through the priesthood. The text is silent about the nature of the dedication; it speaks only of pricing. A gift of individuals was in some way involved because specific prices are associated in the text with specific genders and ages.

Wenham discussed this law as symbolic of a man's willingness to pledge himself or those under his authority as temple slaves. The vow-taker could not really serve God in this way, Wenham argues. Access to the temple was reserved to Levites and priests.[6] Once the vow was made, Wenham said, the person who had made it was required to redeem himself and any other people under the vow's authority by making an appropriate payment to the temple. These singular vows specifically invoked mandatory payments. "To free themselves from the vow, they had instead to pay to the sanctuary the price they would

4. James B. Jordan, *Covenant Sequence in Leviticus and Deuteronomy* (Tyler, Texas: Institute for Christian Economics, 1989), p. 17.

5. *Ibid.*, p. 39.

6. Wenham, *Leviticus*, p. 338.

have commanded in the slave market."[7] Once made, the vow had to be paid. He cites Psalm 116: "I will pay my vows unto the LORD now in the presence of all his people. Precious in the sight of the LORD is the death of his saints. O LORD, truly I am thy servant; I am thy servant, and the son of thine handmaid: thou hast loosed my bonds. I will offer to thee the sacrifice of thanksgiving, and will call upon the name of the LORD. I will pay my vows unto the LORD now in the presence of all his people" (Ps. 116:14–18).[8] This was David's affirmation of the law of vows, which states: "But if thou shalt forbear to vow, it shall be no sin in thee. That which is gone out of thy lips thou shalt keep and perform; even a freewill offering, according as thou hast vowed unto the LORD thy God, which thou hast promised with thy mouth" (Deut. 23:22–23).[9]

We need to answer two questions. First, was Wenham correct about the exclusively symbolic nature of this type of vow? Second, was he correct about the payment as a substitute for literal temple service? Most commentators have agreed with Wenham on this point. I do not. I argue that the terms of the vow were not symbolic, and the payment was not a substitute.

1. Devotion: Change in Legal Status

In the case of heathen slaves, Israelites possessed lawful title to the slave and the slave's heirs (Lev. 25:44–45).[10] There is no reason to assume that an Israelite could not transfer ownership of his slave to an individual priest or to the temple. The tabernacle-temple already employed permanent pagan slaves: the Gibeonites. They were the hewers of wood and drawers of water for the assembly; hence, they were involved in religious service. This permanent temple slavery had been specifically imposed on them by Joshua as a curse: "Now therefore ye are cursed, and there shall none of you be freed from being bondmen, and hewers of wood and drawers of water for the house of my God" (Josh. 9:23). They were permanently set apart—*devoted*—for temple service. This was the result of their deception in gaining the vow of peace from Joshua (Josh. 9). The covenantal blessing—peace in the land—because of the Gibeonites' deception became their covenantal curse: permanent slavery under the priests. They had escaped God's

7. *Idem*.

8. *Idem*.

9. Gary North, *Inheritance and Dominion: An Economic Commentary on Deuteronomy*, 2nd ed. (Dallas, Georgia: Point Five Press, [1999] 2012), ch. 58.

10. Chapter 30.

covenantal ban of *hormah*—either their total destruction or their permanent expulsion from the land—but they could not escape His covenantal ban of temple servitude. Hormah (*chormah*) means "devoted." Its frame of reference was God's total destruction: "And the Lord hearkened to the voice of Israel, and delivered up the Canaanites; and they utterly destroyed them and their cities: and he called the name of the place Hormah" (Num. 21:3). A city devoted to total destruction was under *hormah*: a total ban. This destruction was a priestly act.[11]

We conclude that there is nothing in the Mosaic Covenant to indicate that pagan slaves could not be assigned to temple service even though they could not lawfully assist with the sacrifices. They were not allowed inside those temple boundaries that were lawfully accessible only to priests, but they still could work for the priests outside these boundaries. Thus, a symbolic transfer of ownership of a pagan slave to the priests is not the concern of this passage. The deciding issue contextually cannot be priestly ownership as such. The issue is also not the dedication or sanctification of household slaves. There was nothing special in Israel about the dedication of household slaves—nothing "singular." It has to be something more fundamental: *service within the normally sealed boundaries of the temple*.

Then who were the vow-governed individuals of Leviticus 27:2–8? *They were family members under the lawful authority of the vow-taker*. The vow was a specific kind of vow, a vow of devotion. Devotion here was not an emotional state; it was a change in judicial status.

2. Devotion vs. Sanctification

At this point, I have to introduce a crucial distinction of the Mosaic law: devotion vs. sanctification. A sanctified item was set apart for God's use, though not necessarily on a permanent basis. A devoted thing was set apart permanently for priestly service or sacrifice. This distinction is based on the law that appears later in this section of Leviticus:

> Notwithstanding no devoted thing, that a man shall devote unto the Lord of all that he hath, both of man and beast, and of the field of his possession, shall be sold or redeemed: every devoted thing is most holy unto the Lord. None devoted, which shall be devoted of men, shall be redeemed; but shall surely be put to death (Lev. 27:28–29).

11. On "hormah," see James B. Jordan, *Judges: God's War Against Humanism* (Tyler, Texas: Geneva Ministries, 1985), pp. 10–12.

Death here was not necessarily physical death; it was, however, necessarily *covenantal death*. This meant that the devoted item was placed within the irreversible boundaries of God's ban. This form of covenantal death meant that the item was *beyond human redemption*. The devoted object came under God's absolute control. In many passages in Scripture, the Hebrew word for "devoted" (*khayrem*) is translated as "accursed" or "cursed." Such a cursed item could not be used for anything other than sacrifice to God. If it was subsequently misused—violated or profaned, in other words—the person who violated God's boundary himself came under the ban: beyond human redemption.

> And the city [Jericho] shall be accursed, even it, and all that are therein, to the LORD: only Rahab the harlot shall live, she and all that are with her in the house, because she hid the messengers that we sent. And ye, in any wise keep yourselves from the accursed thing, lest ye make yourselves accursed, when ye take of the accursed thing, and make the camp of Israel a curse, and trouble it (Josh. 6:17–18).

But the children of Israel committed a trespass in the *accursed thing*: for Achan, the son of Carmi, the son of Zabdi, the son of Zerah, of the tribe of Judah, took of the accursed thing: and the anger of the LORD was kindled against the children of Israel (Josh. 7:1).[12]

> But the people took of the spoil, sheep and oxen, the chief of the things which should have been utterly destroyed, to sacrifice unto the LORD thy God in Gilgal (I Sam. 15:21).

It is worth noting that this Hebrew word is the very last word that occurs in the Old Testament, in the passage that prophesies the coming of Elijah (John the Baptist), the man Jesus identified as the last man of the Old Covenant.[13] "Behold, I will send you Elijah the prophet before the coming of the great and dreadful day of the LORD: And he shall turn the heart of the fathers to the children, and the

12. Because Achan had violated the holy ban that God placed around Jericho's spoils, he placed his whole household under the ban. It was legally possible for a father to place his family under God's ban—disinheritance from the family's land and legal status—through covenantal adoption into the priesthood. But in this case, Achan placed his family under *hormah*: God's absolute ban of destruction. As the head of his household, he went through an adoption process: not into the tribe of Levi, but rather into covenantal Jericho. Thus, it was mandatory that the civil government execute his entire household, including the animals, and bury all his assets with them (Josh. 7:24). See Appendix A: "Sacrilege and Sanctions."

13. "The law and the prophets were until John: since that time the kingdom of God is preached, and every man presseth into it" (Luke 16:16).

heart of the children to their fathers, lest I come and smite the earth with a curse" (Mal. 4:5–6). This was God's threatened negative sanction: *covenantal disinheritance*—fathers vs. sons—that involved God's curse on Old Covenant Israel. As Jesus later warned: "Think not that I am come to send peace on earth: I came not to send peace, but a sword. For I am come to set a man at variance against his father, and the daughter against her mother, and the daughter in law against her mother in law. And a man's foes shall be they of his own household" (Matt. 10:34–36).

The devoted item could not be redeemed by the payment of a price. It had been permanently transferred covenantally to God as a sacrificial offering. This is the meaning of the singular vow. *The singular vow was a vow whose stipulations were irrevocable*. The devoted item was placed within the confines of an absolutely holy boundary: beyond human redemption. The vow was voluntary; the resulting transfer was irrevocable: a singular vow.

3. Devotion Through Adoption

Could an Israelite lawfully devote his child to priestly service? Yes; as we shall see, Jephthah's daughter was so devoted by her father. Once a person was adopted into the family of Aaron specifically or into the tribe of Levi, he could not re-enter another Israelite tribe by a subsequent act of adoption. He had been devoted to the temple: beyond redemption. So had his covenantal heirs. If I am correct about this, then in the context of marriage—another form of legal adoption[14]—there was no option for an Israelite father to buy back his daughter from her priestly husband by returning the bride price to his son-in-law.[15] Similarly, there was no way for a man to buy back himself, his wife, or his children from formally devoted service to God. In short, there was no redemption price for this kind of vow. This is why the vow was *pawlaw*: "singular."

There is no indication that a man could place his adult male children into mandated priestly service. An adult son was not eligible for compulsory adoption. He was a lawful heir to the land and the legal status of his tribe and family. He could not be disinherited at his father's prerogative. The crucial legal issue for identifying adulthood

14. Gary North, *Authority and Dominion: An Economic Commentary on Exodus* (Dallas, Georgia: Point Five Press, 2012), Part 3, *Tools of Dominion* (1990), ch. 31:B.

15. The dowry remained with the wife in any case; it was her protection, her inheritance from her father.

for men was military numbering. An adult male was eligible to be numbered at age 20 to fight in a holy war: "This they shall give, every one that passeth among them that are numbered, half a shekel after the shekel of the sanctuary: (a shekel is twenty gerahs:) an half shekel shall be the offering of the LORD" (Ex. 30:13). At age 20, a man came under the threat of God's negative sanctions: going into battle without first having paid blood money to the temple.[16] Once he became judicially eligible for numbering as a member of his tribe, he became judicially responsible for his own vows. He became, as we say, "his own man." He became a member of God's holy army. A father could no longer act in the son's name.

A daughter could not legally be numbered for service in God's army. Thus, an unmarried daughter could be delivered into a priestly family, as we see in the peculiar case of Jephthah's daughter (Jud. 11:34–39).[17] Jephthah's vow to sacrifice the first thing to come out of his house could not legally be applied literally to a person. He could not lawfully burn a person, nor could the priests; therefore, any person who came under the terms of such a lawful vow had to be devoted to God in temple service.[18] Jephthah had made a singular vow. It was irreversible. This means that his daughter had to be disinherited.[19] She was beyond redemption.

There was a distinction in Mosaic law between someone or something *dedicated* (sanctified) to the priesthood and someone or something *devoted* to the priesthood. The former could be redeemed by the payment of the market price plus a premium of one-fifth (Lev. 27:13, 15, 19).[20] The latter could not be redeemed.

Disinheritance was permanent in Old Covenant Israel. This could only be by covenant: specifically, by covenantal death. This is why disinheritance was a form of devoted giving. The head of the household publicly gave his heirs over to God. He[21] publicly broke the family's covenant with such a person. There were only three means of lawful disinheritance in Old Covenant Israel: civil execution for a capital crime, expulsion from the congregation for an ecclesiastical

16. *Ibid.*, ch. 58.

17. I accept the standard interpretation of this story: she was not literally executed by her father.

18. Jordan, *Judges*, pp. 204–13.

19. *Ibid.*, p. 205.

20. Chapter 36.

21. Or, in the case of a widow (Num. 30:9), she. Gary North, *Sanctions and Dominion: An Economic Commentary on Numbers*, 2nd ed. (Dallas, Georgia: Point Five Press, [1997] 2012), ch. 16.

crime, or adoption into another family or tribe. All three involved broken covenants: civil, ecclesiastical, and familial. In the third instance, the broken family covenant was simultaneously replaced by a new family or tribal covenant. A daughter was normally disinherited by her father in this way, and if she was to become a wife rather than a concubine, she was to receive a dowry from her father.[22]

Jephthah's daughter was disinherited in a unique way: by legal transfer into a priestly family. She bewailed her virginity (Jud. 11:37) because this was the mark of her unmarried condition, and therefore of her eligibility for transfer into the tribe of Levi apart from her own will. The standard interpretation of the story of Jephthah's daughter rests on the assertion that as a temple servant, she would have had to remain a virgin.[23] I am aware of no evidence from the Book of Leviticus or any other biblical text regarding the mandatory and therefore permanent virginity of female temple servants. Then why did she bewail her virginity? Not because she was bewailing her supposed future virginity, but because she was bewailing her present virginity. It was her virginity that bound her to the terms of her father's vow; otherwise, her husband's authority would have negated the father's vow.

Jephthah's daughter was, as the phrase goes, "her daddy's girl": a dynasty-coveting power-seeker. When her virginity cost her the inheritance of her father's political dynasty, she bewailed her virginity. Her heart was not right with God. What was an enormous honor—adoption into the tribe of Levi, the spiritual counsellors of the nation—she saw as a thing to bewail in the mountains for two months (Jud. 11:37).

Jordan raised a question: "Why didn't Jephthah substitute a money payment for his vow? These monetary substitutes are set out in Leviticus 27:1–8."[24] He said that commentators who have addressed this question have no easy explanation for it. He refers to Leviticus 27:28–29: "Notwithstanding no devoted thing, that a man shall devote unto the Lord of all that he hath, both of man and beast, and of the field of his possession, shall be sold or redeemed: every devoted thing is most holy unto the Lord. None devoted, which shall be devoted of men, shall be redeemed; but shall surely be put to death." Thus, he concludes, Jephthah's daughter could not be redeemed. "Since Jephthah vowed to offer this person as a whole burnt sacrifice, we realize that he was 'devoting' him or her to the Lord, and thus no

22. North, *Authority and Dominion*, ch. 32.
23. Jordan took this approach: *Judges*, p. 210.
24. *Ibid.*, p. 206.

ransom was possible."[25] This is the correct interpretation.[26] But this answer raises a more important question: If she could not legally be redeemed from this vow of temple service, how could anyone be redeemed from a vow of temple service? If the answer is that no person could be redeemed from such a singular vow under Mosaic law—and this *is* the correct answer—then what are we to make of Leviticus 27:2–8? What was the meaning of all those prices?

C. Not a Redemption Price

In the section of Leviticus 27 that follows this one, we read of the redemption price of animals that are set apart (sanctified) to be offered as sacrifices (vv. 9–13). Then, in the section following that one, we read of the redemption price of a house sanctified to the priesthood (vv. 14–15). Finally, in the next section, the laws governing sanctified fields are listed (vv. 16–25). In the second and third cases, the term "sanctify" (*kawdash*, holy) is used.[27] In all three cases, the redemption price was the market price at the time of the redemption plus 20% (vv. 13, 15, 19).

Then comes Leviticus 27:26: "Only the firstling of the beasts, which should be the LORD's firstling, no man shall sanctify it; whether it be ox, or sheep: it is the LORD's." This law specifically denies the legitimacy of sanctifying the animal. This means that no redemption of the animal was legal. It was a devoted animal, not a sanctified animal. *Sanctification* in this context meant "set apart until redeemed." This legal condition was less rigorous than devotion. *Devotion* meant that the legal boundary around the object was permanent. The same is true of the vow of Leviticus 27:2–8. In this passage, there is no mention of a supplemental payment of one-fifth. This is evidence that what is being considered in verses 2–8 is not a series of redemption prices. Then what does this section refer to?

The preliminary answer was given in 1846 by Andrew Bonar. He

25. *Ibid.*, pp. 206–7.

26. Jordan pointed out to me that the only other use of *pawlaw*—"singular," as in singular vow—in the hiphil voice is found in Numbers 6:2, which relates to a Nazirite vow: "Speak unto the children of Israel, and say unto them, When either man or woman shall separate themselves to vow a vow of a Nazarite, to separate themselves unto the LORD: He shall separate himself from wine and strong drink, and shall drink no vinegar of wine, or vinegar of strong drink, neither shall he drink any liquor of grapes, nor eat moist grapes, or dried. All the days of his separation shall he eat nothing that is made of the vine tree, from the kernels even to the husk" (Num. 6:2–4).

27. In the first case, sacrificial animals, the cognate term for "sanctify" is used: *kodesh*, holy (vv. 9, 10).

concluded that the list of prices in Leviticus 27:2–8 is not a list of redemption prices. "There seems to me a mistake generally fallen into here by commentators. They suppose that these *shekels of money* were paid in order to free the offerers from the obligation of devoting *the person*. Now, surely, the whole chapter is speaking of things truly devoted to God, and cases of exchange and substitution are referred to in ver. 10, 13, 15. As for *persons devoted*, there was no substitution allowed. The mistake has arisen from supposing that this amount of money was ransom-money; whereas it was *an addition* to the offering of the person, not a s*ubstitution*." He pointed to the case of Jephthah's daughter as evidence.[28]

Bonar explained the additional monetary payment in terms of the giver's gratitude. A person who was really grateful to God, he said, would add money to the transfer. This misses the judicial point. What we have here is an *entry fee*: a payment analogous to a *marriage dowry*. A person who desired to transfer himself or a member of his family into the tribe of Levi had to provide a "dowry"—not to the family, but to the temple.[29] Why a dowry? Because, theologically speaking, the bride of God is not a concubine. She is a free wife. The free wife in Israel had to be provided with a dowry. Judicially speaking, the Levites were freemen in Israel. For anyone within another tribe to become a member of the tribe of Levi, the person's family—the head of the household—had to offer an additional payment. This payment was judicial. It established the person's *legal status*: a freeman (wife) rather than a slave (concubine).

Members of the tribe of Levi could not normally own rural land outside of 48 specified cities (Num. 35:7).[30] Thus, any person who was delivered by a vow and payment into temple service lost his or her claim to his or her ancestral land. We see this in the case of Jephthah's daughter, in an incident that has confused Bible commentators for centuries. As his only child (Jud. 11:34), she was the lawful heir of his land and its accompanying legal status, but only so long as she

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28. Andrew Bonar, *A Commentary on Leviticus* (Edinburgh: Banner of Truth Trust, [1846] 1966), p. 497.

29. This does not mean that the money could never go to the adopting family. Officers of the temple might choose to transfer the funds to an adopting family for various reasons, such as the education of young children who had been adopted, or the care of older people.

30. There were two exceptions: (1) when a family dedicated a piece of land to the priesthood and then refused to redeem it before the next jubilee year; (2) when a family dedicated a piece of land to the priesthood but then leased the whole property to someone else (Lev. 27:16–21). Chapter 36.

did not marry outside his tribe (Num. 35:6–9).[31] By being adopted into the tribe of Levi, she could not thereafter marry outside of the tribe of Levi. Thus, she had to forfeit her inheritance from Jephthah. She could not extend her father's dynasty, a point Jordan made.[32] A father alienated his family's inheritance forever from his heirs if his male children were under age 20 or his daughters were unmarried at the time he made his vow. This did not mean that they lost their legal status as freemen; Levites possessed freeman status. But the heirs did lose their claim on the family's land.

Could the priest annul the vow? Yes. There was no compulsion that he adopt someone into his family. The vow was analogous to the vow of a daughter or married woman: it could be annulled within 24 hours by the male head of the household (Num. 30:3–8). The priests, acting in God's name, as the heads of God's ecclesiastical household, could lawfully annul someone's vow of adoption into the tribe. But if the vow was accepted by a priest in authority, the vow-taker and any other members of his family covered by his vow were then adopted into the tribe of Levi if they could pay the entry fee. Once adopted by the priest's family, there was no way back into non-Levitical freemanship in Israel. At the time of the adoption, the adopted family's original inheritance had been forfeited to the kinsman-redeemer, the closest relative in their original tribe (Num. 27:9–11).[33] They could retain their status as freemen only as members of the tribe of Levi. Their family land was no longer part of their inheritance. But the makes were still members of God's holy army. They were still citizens.

D. The Restrictive Function of Price

These prices were not market prices. They had nothing to do with comparative rates of economic productivity. They were instead barriers to entry into the tribe of the priests. Primary judicial authority in Israel was supposed to be inside the tribe of Levi, for the Levites had unique access to the written law of God. They were the spiritual *and therefore the judicial* counsellors in Israel.[34] It was not easy to gain

31. North, *Sanctions and Dominion*, ch. 22.
32. Jordan, *Judges*, p. 205.
33. North, *Sanctions and Dominion*, ch. 15.
34. This is why Paul speaks of the double honor of those who labor in the word: "Let the elders that rule well be counted worthy of double honour, especially they who labour in the word and doctrine" (I Tim. 5:17). Gary North, *Hierarchy and Dominion: An Economic Commentary on First Timothy* (Dallas, Georgia: Point Five Press, [2001] 2012), ch. 7.

access to this position of honor and authority. Adoption into the tribe of Levi was legal, but it was not cheap.

The entry price for an adult male was set at 50 shekels of silver.[35] The price for an adult female was 30 shekels.[36] The male child's price was 20 shekels; the female child's was 10 shekels. Very young children's prices were lower: five shekels (male) and three shekels (female). For the elderly, the prices were 15 shekels (male) and ten shekels (female).

The formal prices of the sexes differed. Males were priced higher than females in every age group. Similarly, old people were priced higher than very young children, but less than children age 5 to 20. Why? Did this have something to do with market pricing? These were not cases of pure market pricing, but can the differences in formal prices be explained in terms of expected productivity, just as market prices can be explained? Yes, but such an explanation is misleading.

Prices always serve as barriers. The question is: Were prices in this instance barriers to entry or barriers to escape; that is, were they entry prices or redemption prices? Were they based on the value of services to be redeemed or were they tests of authority to be honored?

1. Explanation: Economic Productivity

If we regard the prices as redemption prices, we are tempted to explain the price differences in terms of the varying market value of the individuals. By adopting this explanation, we misunderstand the legal nature of the transaction; nevertheless, we can make a plausible economic case. We can interpret the passage in terms of the repurchase value of the person whose services had been handed over to the temple.

If economic redemption was the meaning of the price structure of Leviticus 27:2–8, then the vow became a peculiar symbolic ritual: people were being handed over to God verbally, but then repurchased from the temple economically. Such a ritual would have converted an otherwise simple monetary donation into the formality of

35. This was the same as another judicial price: the formal bride price owed by a seducer of a virgin to her father. North, *Authority and Dominion*, ch. 47:D. It rests on an interpretation of the false accuser's penalty of Deuteronomy 22:19: "And they shall amerce him in an hundred shekels of silver, and give them unto the father of the damsel, because he hath brought up an evil name upon a virgin of Israel: and she shall be his wife; he may not put her away all his days." One hundred shekels was double restitution.

36. The same price that was owed to the owner of a gored slave (Ex. 21:32)

a sacred vow. A lawful vow invoked God's name and God's sanctions in history. Why should God's name have been formally invoked? Why didn't the person wishing to give money to the priests just give it? A strictly economic analysis misses the judicial point: *the singular vow produced a permanent alteration of someone's legal status*. The prices listed in the text were not redemption prices; they were transfer prices analogous to dowries.

Still, it is quite tempting to think of these prices as redemption prices. This is the way men think in a century dominated by various forms of economic determinism, whether left wing (e.g., Marxism) or right wing (e.g., the pure logic of choice).[37] If we begin with this assumption of economic determinism, we are easily tempted to conclude that these prices were shadows of market prices. Here is how we might reason:

> Why were adult males priced highest of all? Because they are at the peak of their economic value. Their training was behind them. They had a lifetime of productive service ahead of them. In order to buy himself back from lifetime service, the vow-taker had to pay a very high price.
>
> What about the lower price for females in each age group? This would also seem to have been governed by the principle of productivity. For some reason or reasons, females were less valuable economically than males. (See next paragraph.) But females produce children. Weren't these children assets? If they had become the permanent, inheritable property of the owner, yes. This low formal price for women is evidence that the duration of the vow's conditions did not extend beyond the jubilee year. At that time, every heir of the conquest's generation returned to his land. All servitude ended for them. So, the children born of women protected by the jubilee law would not have been equally as valuable as inheritable slave children. The period available for capitalization was shorter.
>
> Even in the late twentieth century—an era of federally legislated "equal pay for equal work" laws—the economics of motherhood have not changed significantly. Women still are paid less than men. Why? Because their expected net economic returns are lower than men's. They have children who must be cared for. From 1981 through 1985, 30% of American women with paid maternity leave or other benefits did not return to the labor market after six months, while 56% of women without maternity benefits did not return to work.[38] The free market places a lower value on capital

37. Richard D. Fuerle, *The Pure Logic of Choice* (New York: Vantage, 1986).

38. Felice N. Schwartz, *Breaking With Tradition: Women and Work, The New Facts of Life* (New York: Warner, 1992), p. 59. She cited Martha O'Connell, "Maternity Leave Arrangements: 1981–1985," *Work and Family Patterns of American Women*, Current Population Reports, series P–23, no. 165 (Washington, D.C.: Government Printing Office, March 1990).

> invested in women in the work force. This lower return on investment is compensated for by lower wages paid to women. Any attempt to mandate equal wages by civil law will produce unemployment for women in general, while subsidizing women with good looks or academic credentials.[39]

Why would older people be more valuable than very young children? Because they are on average more productive. Very young children are net absorbers of scarce economic resources. It takes time for the present losses to be compensated by future returns. The net flow of expected future income discounted by the prevailing interest rate is low because the expected positive income stream is too many years in the future. This was not true of those over age 4. The payoff would be faster. Why the difference? Those above age 4 are expected to become net producers sooner than those younger than 5. An older person was less valuable than a child above age 4. The older person has skills and experience, but he or she also can be expected to have infirmities. The expected net income stream is less for this reason and also because of shortened life expectancy.

So, one can argue on the basis of economic analysis that these were redemption prices. That is to say, one can see a loose correlation between the price differentials of Leviticus 27:2–8 and the free market's pricing of labor services in the late twentieth century, and then conclude that the Mosaic law's stipulations were reasonably consistent with market forces. The evidence of varying prices seems to fit the economic reality of age-specific and gender-specific economic productivity. A person who believes in the continuing validity of this Mosaic statute, and who adopts this approach to explaining Leviticus 27:2–8, is forced to conclude that these gender-related and age-related price differentials are permanent in New Covenant history, with or without human bondage (i.e., the capitalization of expected lifetime net income). If the price differentials are based on productivity differentials, these productivity differentials have to be assumed to be permanent—part of the human condition. This means that technological changes and educational changes can never overcome productivity differentials, especially gender-based differentials.

The initial assumption of this line of economic reasoning is incorrect. The context of this law was not labor productivity, but rather *priestly holiness*. The focus of concern was not the capitalization of eco-

39. Gary North, "The Feminine Mistake: The Economics of Women's Liberation," *The Freeman* (Jan. 1971); reprinted in Gary North, *An Introduction to Christian Economics* (Nutley, New Jersey: Craig Press, 1973), ch. 24.

nomic productivity but rather *the necessity of restricting access into the priesthood*. God placed judicial boundaries around the temple. God's presence in Israel was marked by a series of "no trespassing signs"—restrictions on physical access—which became more rigorous as men approached the holy of holies. These boundaries were judicial. Lawful access across each boundary was based on a person's judicial status, not his economic status.[40] Vows marked a person's move across these judicial boundaries.

2. Explanation: Submission to Authority

Let us begin with another assumption: these prices were dowries, not redemption prices. Why was the highest entry price required of an adult male? Because the adult head of a household was a man who was used to exercising family authority and perhaps other kinds of civil authority. By placing a high entry price on his adoption into the tribe of Levi, God protected His priestly servants from invasion by two groups: (1) power-seekers seeking to extend their authority into the church; (2) poor people seeking a guaranteed income as members of the tithe-receiving tribe. The power-seekers first had to abandon all legal claim to their original inheritance and also had to provide a considerable entry fee. Married men also had to pay for their wives' and minor children's entry into the tribe of Levi. This further restricted entry into the priestly class.

God established an entry fee higher for aged people—age 60 and over (v. 7)—than for very young children: under age 5 (v. 6). Why? Because old people tend to be more set in their ways, more used to deference from younger people, even priests. They would be more trouble to govern than very young children. The very young child would grow up in the presence of the Levites and the priests. He would learn to respect authority. He would not be a major threat to the ecclesiastical hierarchy. There was less need for a monetary barrier to his entry into the household of the church.

God established lower prices for old men than for male children ages 5–19 (v. 5). The prices for females, young and old, were the same: 10 shekels. Why? The issue was authority: males had more authority than females did. Children of this age group reflected their parents' attitudes. The boys would have been more difficult to control than aged men. Young girls and old women were judged of equal difficulty.

So, the discrepancies in these dowry prices can be explained in

40. North, *Sanctions and Dominion*, ch. 3.

terms of *expected resistance to ecclesiastical authority*. But what about the lower price for females in each age group? This is also consistent with the hypothesis that this law was imposed by God in order to reduce the Levite adoptees' resistance to ecclesiastical authority. Israelite women were accustomed to obey male heads of household. They were more likely to respect hierarchical authority. Thus, they were less of a threat to the established ecclesiastical order. The payment could be smaller because the need to establish a barrier to entry was less.

E. Sonship Is Judicial

It was an honor to be a member of the tribe of Levi. This tribe guarded the law of the covenant, a guardianship symbolized by the two tablets of the law inside the Ark of the Covenant (Deut. 31:26). The priests were in charge of guarding the Ark. That is, the priests policed the boundaries between the Ark and the world outside.

Adoption is always an aspect of God's law. This included adoption into the tribe of Levi, and even the family of Aaron. Sonship is judicial. Biblical sonship must always place covenantal faithfulness above biological relationships. When Eli elevated his sons to the priesthood, judicially ignoring the presence of faithful servant Samuel, God cut off Eli's inheritance by executing his sons. Eli had warned both of them what would happen, but they had refused to listen: "If one man sin against another, the judge shall judge him: but if a man sin against the LORD, who shall intreat for him? Notwithstanding they hearkened not unto the voice of their father, because the LORD would slay them" (I Sam. 2:25). Eli refused to impose the negative sanction of disinheritance through excommunication, so God disinherited them through execution. He did this by subjecting the whole nation to a military defeat by the Philistines. A man of God warned Eli of what was about to happen (I Sam. 2:27–36), but Eli refused to take effective steps to evade God's wrath. He could have adopted Samuel from the beginning, had his mother consented, which she was obviously ready to do, having dedicated him to God for life (I Sam. 1:11). At any time, Eli could have adopted Samuel in place of his sons, making him a priest at age 30.[41] Instead, he honored biological sonship above adoptive sonship. Adoption is fundamental in establishing covenant-keeping sonship; biology is not. Eli had

41. Age 30 was the minimum age of service in the temple (Num. 4:3, 23, 30, 35, 39, 40, 43, 47).

decided to maintain a boundary between Samuel and the altar; God therefore placed a boundary between Eli and his inheritance. Samuel could have become Eli's heir; by honoring his sons, Eli chose to disinherit his family's name.

Eli's decision cost Israel dearly, as priestly rebellion always does. Because Eli had made his sons the priests of Israel, Samuel later became a prophet who brought God's covenant lawsuit against Saul (I Sam. 15). Samuel, not the high priest, anointed David (I Sam. 16). Had Samuel been a priest, the priesthood would have retained more of its temporal authority. God honored Samuel more than He honored the civil authority of the priesthood.

F. The Kinsman-Redeemer

Leviticus 27:2–8 is the passage governing the conditions of adoption into the tribe of Levi. There had to be a payment—the equivalent of a dowry—to the temple.[42] In the case of a slave, his owner had to provide the funds. If the adoptee was the head of a household, he had to make the payment on his own behalf, or find someone to make it for him.

Who was the most likely person to make the payment for him if he could not afford to pay? Both judicially and economically, there is little doubt: the kinsman-redeemer. He would inherit title to the land left behind by a newly adopted family. The entry price was high; no one else was likely to have the same incentive to make so large a payment. This points to the work of Christ as the Kinsman-Redeemer of Israel and mankind. He has paid the fee for all those who are adopted into the New Covenant priesthood. No one else has either the incentive or the ability to pay this price. In His case, the incentive is not economic, for two reasons. First, Jesus Christ already is God the Father's lawful heir in history and eternity. He will inherit everything. Second, the entry price is too high—far beyond the very high price of 50 shekels in Old Covenant Israel. The price is the death of the Kinsman-Redeemer. His motivation was grace, not profit. Christians

42. I do not think the price was paid to Levite families. Had the money gone to individual families, there would have been a strong motivation for Levites to recruit new members of the tribe. The entry fee was to serve as a barrier to entry, not a motivation to recruit new members. If the money went directly to the temple, local Levites would have had far less incentive to recruit non-Levites into the tribe. Aaronic priests would have possessed a veto over adoption: the men with the greatest authority in Israel. Adoption in this case was tribal, not familial, analogous to circumcised resident aliens who were adopted into tribal cities if they were accepted to serve in God's holy army.

inherit as heirs of their Kinsmen-Redeemer, Jesus Christ. Everyone else is eternally disinherited.

Verse 8 reads: "But if he be poorer than thy estimation, then he shall present himself before the priest, and the priest shall value him; according to his ability that vowed shall the priest value him." The high priest, Jesus Christ, has paid the maximum price for each of His saints—those set apart by God judicially for priestly service. Entering with nothing of our own, we do not need to plead before a priest for a lower entry fee. The high priest has paid it all.

Conclusion

If this analysis is correct, then it should be obvious that this law has been annulled with the New Covenant's change in the priesthood. The passage's variations in price—young vs. old, male vs. female—have nothing to do with economic productivity. They are irrelevant for the economic analysis of labor markets. They were equally irrelevant for such analytical purposes under the Mosaic Covenant.

The prices listed in Leviticus 27:2–8 were not redemption prices; they were entry barrier prices. They were not based on the expected economic productivity of people who were then immediately redeemed out of God's ecclesiastical service; they were based on the need to screen power-seekers and security-seekers from access to ecclesiastical service. They were not market prices; they were judicial prices. They were not barriers to *escape from* ecclesiastical service; they were barriers to *entry into* ecclesiastical service. Thus, rather than applying economic analysis to the productivity of the groups specified in Leviticus 27:2–8, we should apply economic analysis to the question of the judicial boundary separating the tribe of Levi from the other tribes.

36

THE REDEMPTION-PRICE SYSTEM

And if it be a beast, whereof men bring an offering unto the Lord, all that any man giveth of such unto the Lord shall be holy. He shall not alter it, nor change it, a good for a bad, or a bad for a good: and if he shall at all change beast for beast, then it and the exchange thereof shall be holy. And if it be any unclean beast, of which they do not offer a sacrifice unto the Lord, then he shall present the beast before the priest: And the priest shall value it, whether it be good or bad: as thou valuest it, who art the priest, so shall it be. But if he will at all redeem it, then he shall add a fifth part thereof unto thy estimation. And when a man shall sanctify his house to be holy unto the Lord, then the priest shall estimate it, whether it be good or bad: as the priest shall estimate it, so shall it stand. And if he that sanctified it will redeem his house, then he shall add the fifth part of the money of thy estimation unto it, and it shall be his.

LEVITICUS 27:9–15

The theocentric meaning of this passage is simple: God is to be honored by sacrifice. Sacrifice is related to part four of the biblical covenant model: sanctions.[1]

A. Gifts to Priests

A person could give an animal or a piece of real estate to God through the priesthood. If he changed his mind later and decided to buy it back, he paid a redemption fee of one-fifth above the estimated value of the gift. The recipient, the priest, made this original estimation. God was willing to allow men to change their minds regarding previous sacrifices, but not at zero price. Once offered as a sacrifice, the

1. Ray R. Sutton, *That You May Prosper: Dominion By Covenant*, 2nd ed. (Tyler, Texas: Institute for Christian Economics, [1987] 1992), ch. 4. Gary North, *Unconditional Surrender: God's Program for Victory*, 5th ed. (Powder Springs, Georgia: Point Five Press, 2010), ch. 4.

property did change ownership: from the original owner to the priest. Whatever benefits the owner received from making the sacrifice—self-esteem, public acclaim, etc.—were purchased upon redemption: an additional payment of one-fifth.

This passage deals with the re-purchase of animals and houses that had been given to priests either for ritual sacrifice or for resale by the priests. Later in this chapter, I will consider the third redemption payment: fields. In each case, the cash redemption price required an additional 20% payment.[2] This was what distinguished a redemption price from the previous passage's payment structure, which was not a redemption price but rather an entry fee into the tribe designated by God for holy service. The visible difference between the two forms of voluntary payment to the priesthood—dedication and devotion—was the presence of a penalty payment. The dedicated item did not become *hormah*: God's whole burnt offering. With dedication there was a possibility of economic redemption: de-sanctification.

B. Pricing and Penalties

A beast was designated by its owner as a sacrifice. The owner brought it to the priest. The beast was then identified as having become holy (*kodesh*). To be holy is to be set apart judicially, i.e., sanctified (*kawdash*). But the degree of separation was less than in the case of an offering that was devoted to God: it did not come under the ban.

The priests were Israel's agents of formal sanctification. They possessed the authority to set apart certain beasts for sacrificial purposes. The individual could not sacrifice his animal on his own authority if he expected to establish it as a judicially valid offering; he had to bring it to the priests. This dependence on the priesthood to validate sacramental offerings to God reinforced the social and legal authority of the priesthood. This arrangement did not limit men's ability to make economically significant offerings to God, but such unsanctified offerings were not sacramental. Laymen could show good faith, but they did not have the power to invoke God's sanctions authoritatively.[3]

2. There was an exception, as we shall see: a lessee paid a cash redemption price, but no 20% penalty.

3. One of the fundamental institutional differences between magical religion and biblical religion is seen in this distinction between sanctified offerings and unsanctified offerings. The person who invokes magic believes that his formal incantations and rituals allow him to manipulate supernatural power directly and authoritatively. Biblical religion denies such authority to all those who have not been anointed, either by birth

Once it had been dedicated—sanctified—the beast's owner had the right to change his mind about sacrificing this particular beast. For whatever reason, he could choose to spare the life of this animal. The priest would then estimate the value of this beast according to its market price. An additional 20% had to be paid by the owner: a redemption (buy-back) price. This specific redemption price is not established in the text, in contrast to verses 2–8, where specific prices are stated. This is because *the prices for sacrificial animals were not judicial prices; they were market prices*. They varied according to market conditions. The redemption price of an animal was tied to its market price. This was also the case in the price of a house dedicated to the temple (vv. 14–15).

The priest had the authority to fix the redemption prices of dedicated items (vv. 12, 15, 19) other than fields. If he set a price too high, the owner would not redeem the item. The priest would then wind up owning an asset worth only what the free market determined, when he could have had a market price plus 20%. He would thereby have forfeited the opportunity to enjoy what speculators call a quick turnaround. He was allowed to obtain the market price for the animal by selling it back, keeping the extra 20% for himself. *The presence of the 20% payment kept the priest's pricing relatively honest*, i.e., in close approximation to market prices. So, in this instance, the extra payment imposed in the redemption of sanctified items was not a penalty payment. It was more of a "keep the priests' redemption price valuations honest" payment. We should probably think of it as a transaction fee. The giver proved his dedication to God by dedicating the beast to a priest and then paying a 20% transaction fee in order to redeem it.

C. Priests and Fields

The jubilee law applied to houses in the 48 cities of the Levites and to the common land surrounding them (Lev. 25:32–33; Num. 35:7). These homes could not be permanently alienated from the families of the Levites. "Notwithstanding the cities of the Levites, and the houses of the cities of their possession, may the Levites redeem at any time. And if a man purchase of the Levites, then the house that was sold, and the city of his possession, shall go out in the year of jubile: for

or adoption (Old Covenant priesthood or prophetic anointing) or by the laying on of hands (New Covenant ministry-priesthood). The priest in the New Covenant does not offer a sacrifice to God (Heb. 9); rather, he offers to church members the sacramental means of covenant renewal: the Lord's Supper.

the houses of the cities of the Levites are their possession among the children of Israel" (Lev. 25:32–33). The jubilee law of inheritance applied to the Levites' homes in Levitical cities and to rural land in Israel. The Levites could not lawfully be excluded from their inheritance, but they were excluded from the other tribes' inheritance. To maintain their own inheritance, they had to defend the inheritance of the other tribal families. They had to preach the jubilee law. God gave them an inheritance in their cities; this served as an economic incentive for them to declare the jubilee year.

Priests could not normally own rural land; it was not part of their inheritance at the time of the conquest of Canaan. When enforced, the jubilee law made it impossible for the priesthood to extend its political influence into the other tribes apart from the exposition and application of the Mosaic law. *The jubilee law was designed to keep a centralized ecclesiocracy from being formed*. The jubilee land law was primarily a law of citizenship. It was designed to provide a permanent judicial veto for the tribes. The tribal system, when reinforced by the jubilee law, decentralized political power in Israel.

Levites could lease rural properties. They could also receive rural properties as gifts until the next jubilee year. They were not prohibited from subleasing these sanctified fields. These fields would have provided them with a stream of income. Within a predominantly rural economy, this stream of income may have been significant, depending on the size and productivity of the dedicated plots.

The jubilee law's restriction on Levitical ownership of rural land was not primarily economic. The jubilee law itself was not primarily economic; it was judicial: a mark of freeman status for the heirs of the conquest. But there were economic incentives tied to the preservation of political freedom. A small but relevant aspect of these incentives was the law of the unredeemed field. Priests could in rare instances become permanent owners of rural land when an owner or his heirs failed to redeem a reclaimed dedicated plot. But in order for this transfer of title to take place, the jubilee year first had to be declared publicly throughout the nation. "And if he will not redeem the field, or if he have sold the field to another man, it shall not be redeemed any more. But the field, when it goeth out in the jubile, shall be holy unto the Lord, as a field devoted; the possession thereof shall be the priest's" (Lev. 27:20–21).

The existence of a law that tied the jubilee year to a permanent transfer of rural land to priestly members of the tribe of Levi deliv-

ered an important tool of influence into the hands of covenant-keeping rural land owners. If covenant-keeping men suspected that the civil authorities and the priests had conspired to avoid proclaiming the approaching jubilee year, they had a way to encourage the ecclesiastical authorities to proclaim the jubilee year on time. All the land owners had to do was dedicate some fields to the priests and then reclaim the fields for themselves, refusing to redeem these fields with cash plus a 20% payment. To inherit these fields at the jubilee, the priests would have to proclaim the jubilee year. The Mosaic law therefore provided the other tribes with a legal way to bribe otherwise dishonest priests into covenant-keeping with respect to the proclamation of the jubilee year.[4] This was an expensive way to persuade priests to honor the jubilee year; effective bribes normally involve considerable losses. At least until the plots shrank in size and value through population growth, this transfer of land could be significant.

D. Establishing the Redemption Price

The law governing sanctified fields provides one of the few cases of a specified price in the Mosaic law. This law identified a single crop as the economic measure: barley. This law applied to a single case: a field voluntarily dedicated to a priest.

> And if a man shall sanctify unto the Lord some part of a field of his possession, then thy estimation shall be according to the seed thereof: an homer of barley seed shall be valued at fifty shekels of silver. If he sanctify his field from the year of jubile, according to thy estimation it shall stand. But if he sanctify his field after the jubile, then the priest shall reckon unto him the money according to the years that remain, even unto the year of the jubile, and it shall be abated from thy estimation. And if he that sanctified the field will in any wise redeem it, then he shall add the fifth part of the money of thy estimation unto it, and it shall be assured to him (Lev. 27:16–19).

What was the redemption price of a piece of land? If sanctified land had been treated as if it had been any other capital asset, the free market would have informed owners and priests of its value. But this

4. On the moral legitimacy of bribing corrupt judges, see Gary North, "In Defense of Biblical Bribery," in R. J. Rushdoony, *The Institutes of Biblical Law* (Nutley, New Jersey: Craig Press, 1973), Appendix 5. "A gift is as a precious stone in the eyes of him that hath it: whithersoever it turneth, it prospereth" (Prov. 17:8). "A gift in secret pacifieth anger: and a reward in the bosom strong wrath" (Prov. 21:14). Gary North, *Wisdom and Dominion: An Economic Commentary on Proverbs*, 2nd ed. (Dallas, Georgia: Point Five Press, [2007] 2012), ch. 67.

unique case was not to be decided by an appeal to the free market. Instead, the calculation had to begin with an estimation of a quantity of barley seed. As we shall see, the appropriate unit of measurement to define the limits of a dedicated field was the field's output: one homer of barley seed per year. Nevertheless, the grammar of the text does not specify whether "seed" in this case law refers to input (seeds planted) or output (seeds harvested).[5] Because of input-output ratios, I accept the "output" interpretation (see below). Also, because prices are established in terms of the *expected value* of a resource factor's *future output*, I accept the output view's interpretation of "seed."

This case law specifies a particular crop: barley seed. It also specifies a unit of volume: *homer* (pronounced "khomer"). It refers to a unit of money: a shekel of silver. It refers to a number: 50. We must now seek to make sense of the passage: the redemption value of the land.

1. A Perplexing Translation

From Leviticus 27:2–8, we know that 50 shekels of silver represented a great deal of money. It was sufficient to serve as a major barrier against an adult male's entry into the tribe of Levi (Lev. 27:3).[6] Fifty shekels of silver bought an adult male slave in the ancient Near East.[7] The average wage of a worker was one shekel of silver per month.[8] We must bear this in mind as we study verse 16.

The literal text of the pricing clause of verse 16 is somewhat obscure: *seed of homer of barley at fifty shekels of silver*. The standard interpretation of this clause links the price of a homer of barley to the jubilee year. The difficult question is this: To what does the phrase "at fifty shekels of silver" refer? There is a division of opinion between translators and commentators. Translators link the 50 shekels to the unit of measurement: the price of one homer of barley seed. Commentators link the 50 shekels to the jubilee cycle: the combined prices of an annual homer of barley seed through the cycle.

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5. Some commentators believe that this referred to the amount of seed the field would produce (output view). Others think it means the amount of seed that a field would absorb (input view). Wenham, who follows R. de Vaux (*Ancient Israel*): "seed" referred to the field's output of barley seed, not its input of barley seed. Gordon J. Wenham, *The Book of Leviticus* (Grand Rapids, Michigan: Eerdmans, 1979), p. 340n. I agree with this view.

6. See Chapter 35.

7. Wenham, p. 338, citing I. Mendelsohn, *Slavery In the Ancient Near East* (New York: Oxford University Press, 1949), pp. 117ff.

8. Wenham, *idem*., citing Mendelsohn, *ibid*., p. 118.

I side with the commentators. Here is my reasoning. It has been estimated that in Mesopotamia, the familiar price of barley was one shekel of silver per homer.[9] Because the jubilee year occurred every fiftieth year, it is tempting to conclude that the text really means output (or perhaps input) per land unit of one homer of barley a year for 50 years. A homer is variously estimated at between 29 gallons and 59 gallons.[10] Wenham said that a field yielding (output) a homer of barley seed was valued at one shekel, or 50 shekels per jubilee period. Harrison takes the view that "seed" means input: "The land being vowed was valued by the priest in terms of the amount of seed required for sowing it annually, each *homer of barley* representing a price of fifty shekels for the forty-nine year period. This is comparable to Mesopotamian practices, where a homer of barley cost a shekel."[11] The comment by Rashi[12] is similar: ". . . an area requiring a Khor of barley seed . . . is redeemable by fifty shekels. . . ."[13] All agree: 50 shekels per jubilee cycle.

There is one minor problem with this interpretation: the maximum legal planting period was not 50 years or 49 years but 42 years. The seven sabbatical years were supposed to be honored. In the year prior to the sabbatical year of the jubilee year there would be a triple crop (Lev. 25:21), so the total output was the equivalent of 44 years of crops. If we figure from seed inputs, then the total is less: 42 years. The presumption has to be that a particular plot of ground that *on average* either can sustain (input view) a homer of barley seed or else can produce (output view) a homer of barley seed each year is to be valued at the beginning of the 49-year period at 50 shekels of silver. This seems to be a reasonable interpretation of the 50-shekel requirement.[14]

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9. *Ibid.*, p. 340. Wenham cites R. P. Maloney, *Catholic Biblical Quarterly* (1974), pp. 4ff; P. Garelli and V. Nikiprowetsky, *Le Proche-Orient Asiatique: Les Empires mésopotamiens, Israel* (University of Paris, 1974), pp. 273–74, 285–86.

10. *Ibid.*, p. 339.

11. R. K. Harrison, *Leviticus: An Introduction and Commentary* (Downers Grove, Illinois: Inter-Varsity Press, 1980), p. 237.

12. Rabbi Solomon (Shlomo) Yizchaki (1040–1105).

13. *Chumash with Targum Onkelos, Haphtaroth and Rashi's Commentary*, A. M. Silbermann and M. Rosenbaum, translators, 5 vols. (Jerusalem: Silbermann Family, [1934] 1985 [Jewish year: 5745]), III, p. 131b.

14. *Reasonable* as in "more reasonable than the alternative." The fact is, paying 50 shekels of silver in cash at the beginning of the jubilee cycle for 44 years of output meant paying far too much. The buyer-redeemer was forfeiting the interest that could have been earned. The market value of the final harvested homer of barley 48 years later was a small fraction of the value of a homer of barley at the beginning.

2. Output or Input?

My interpretation of the passage is that it refers to the crop's output of seeds rather than input of seeds. I begin with contemporary units of measurement. There are 8 gallons to the bushel. If the biblical homer was 59 gallons—the high estimate—this was about 7.3 bushels of barley. With modern agricultural techniques, an acre of land can produce up to 50 bushels of barley, or 6.8 homers.[15] In the Old Testament era, the land's output would have been far lower. At one-quarter of today's productivity, this would have been under 13 bushels per acre, or slightly under two homers. Using the high estimate of what a homer of barley was, we conclude that the land required to grow one homer was about half an acre. Using the lower estimate of 29 gallons per homer, or slightly over three bushels, this output would have required a quarter of an acre. For a small farm—say, 10 acres—this seems like a reasonably sized plot to dedicate to the priesthood.

If we are discussing seed inputs, a modern farmer can get almost a 20-to-one increase from seeds planted. This ratio of output to input would have been far less in ancient Israel, but still the amount of acreage necessary to seed (input) one homer of barley would have been quite small. It therefore seems more likely that the text refers to output rather than input: the land required to produce one homer of barley.

3. The Economics of the Translators' Version

Were the King James and other versions' translators correct? Does the reference to 50 shekels mean "50 shekels per homer" rather than "50 homers of barley per jubilee cycle," i.e., one shekel of silver times 50? If the translation is correct, this redemption price was astronomical: 50 times the average market price of a homer of barley, plus 20%. But this would have been only the beginning of the redemption burden. The field's potential output of barley per year was then multiplied by 44: the years of production remaining until the next jubilee year. So, the total number of homers of barley that a field could produce was multiplied by 44 years, and this gross output figure was then multiplied by 50 shekels. There was a prorated reduction in price in terms of the number of years remaining until the jubilee, but with these huge payments, such prorating would have been economically irrelevant to most Israelites.

15. I say this on the authority of the highly efficient farmer who leased the Institute for Christian Economics' farm in Maryland.

What was the redemption payment all about? It covered the case of a person who had vowed to transfer a field or a field's output to a priest. At some point before the jubilee, the original owner decided to reclaim the field for himself. To do this lawfully, he had to pay a cash redemption price to the priest at the time of the reclaiming. If the formal redemption price was established at 50 shekels per homer of barley, as the familiar translations suggest, then the typical owner could afford to redeem his field only in the final sabbatical year before the jubilee, when the unseeded output of the field would be minimal, or in the jubilee year itself.[16] If he or his surviving heirs decided not to redeem it, his family lost the field forever. The translators' interpretation of the 50 shekels—applying to a homer of barley—would lead us to the conclusion that the details of the prorated redemption payment structure were merely symbolic, for almost no one could have afforded to redeem his field much before the jubilee year.

If the conventional translation is correct, we are led inexorably to this unpalatable conclusion: once the owner dedicated the field to the priesthood, he could not expect to redeem it until the jubilee year. The price would have been far too high. This seems to be too radical a requirement: a redemption price totally disconnected from the market price. Conclusion: the reference to 50 shekels of silver refers to the fixed judicial price of a field that would produce *one homer of barley per season* through the *entire jubilee cycle*. The closer to the jubilee year, the lower the field's remaining redemption price. In short, the redemption price of a field capable of producing one homer of barley per year was 50 shekels of silver at the beginning of the jubilee cycle, plus 20%.

My conclusion is that the commentators' conventional interpretation, not the translators' conventional translation, is correct: the prorated redemption price was one shekel of silver per year remaining until the jubilee year per homer-producing unit of land. This means that translators should abandon the familiar translation: "[a] homer [of] barley seed [shall be priced at] fifty shekels [of] silver." It should be translated as follows: "[A field producing a] homer [of] barley seed [per year shall be priced at] fifty shekels [of] silver [at the beginning of the jubilee cycle]." The problem is, such a translation imports so

16. Legally, the crop could not be harvested. Probably this would have been interpreted as a crop of zero output. If the estimation was made in terms of barley seed used for planting, the price had to be zero, since it was illegal for anyone to plant in a sabbatical year or a jubilee year.

much interpretive material into the text that translators probably will never accept this translation. They will try to stick with the sparse Hebrew text as closely as possible. But when they do this, they destroy the economic relevance of the prorated land-redemption system. They create a text that misinterprets the law.

E. Priestly Inheritance

We now return to the unique law governing the inheritance of rural land by priests: "And if he will not redeem the field, or if he have sold the field to another man, it shall not be redeemed any more. But the field, when it goeth out in the jubile, shall be holy unto the Lord, as a field devoted; the possession thereof shall be the priest's" (Lev. 27:20–21).

There were only two ways that a priest could acquire rural property in Israel. The first case is easy to understand: the land's owner had dedicated the field to the priesthood. He or his heirs then refused to pay the priest its output, year by year, and also refused to pay the redemption price. The priest's family automatically inherited it by default in the jubilee. On the other hand, if the priest took immediate control of the dedicated plot, working the land himself or leasing it out, the owner would automatically receive it back at the jubilee. Here was a risk for the owner. When the priests or their agents took immediate control over dedicated land, they had a short-term economic incentive not to declare the jubilee year. They might prefer to keep working these dedicated lands for themselves indefinitely. But they would incur a long-term economic penalty for such lawlessness: land owners would be unlikely in the future to dedicate land to the priesthood. The priesthood would also lose respect in the eyes of the nation.

The second case—leased land—is more difficult to understand. The passage is no longer clear to us grammatically. There are two ways of interpreting it. *First*, a man dedicated a field to a priest, but then he sold (leased long term) the field to another man. If we understand the economics of the dedicated field as a gift of the output of the field, with the owner of the field cultivating the land and giving the produce to the priest after each harvest, then the subsequent lease appears to be a case of a default on the original pledge. The defaulting individual had leased his pledged field to another man. This lease contract was honored by the priest, but in the year of the jubilee, the field reverted to the priest.

The *second* interpretation assumes that a man who had already leased out his land to another person then dedicated a plot of ground to the priest. The lessor's contract with the lessee was honored by the priest. The lessee was allowed to use the field during the years remaining until the jubilee, but then ownership was transferred permanently to the priest.

In both interpretations, the claim of the lessor (land owner) took immediate precedence over the claim of the priest, but the priest became a permanent beneficiary in the jubilee year. I think both interpretations are plausible, but the first one seems more plausible. The land owner indebted himself to the priest: an implicit promise to farm the property for the priest's benefit. He subsequently sought to escape this debt burden without paying the field's prorated redemption price (including the 20% penalty) before leasing the land to another person. The new penalty was the permanent forfeiture of the field. The original owner thereby disinherited his heirs of the value of this property. The heirs still owned the remaining (non-dedicated) fields, but the economic value of the judicially sanctified field had been permanently removed from them.

F. Disinherited Sons and Priestly Heirs

The claims of the original owner were primary until the jubilee. He could evict a priest or the priest's agent from previously dedicated land. In times of famine, for example, an owner might decide to evict the priest or stop paying the priest the output of the dedicated field. But if, by the time of the jubilee, he had refused to redeem the land by the payment of one shekel of silver for every year of the eviction, plus 20%, he lost ownership of the land.

The priests had the possibility of inheriting rural land if the vow-designated land was not redeemed by the vow-taker. In such cases, the potential beneficiaries obviously had an economic incentive to oppose the debasement of the shekel (Isa. 1:22).[17] A shekel of falling value would have made it less expensive for those who faced the permanent loss of their land to redeem it prior to the jubilee.

Would the owner of rural land ever have dedicated all of its output to a priest? Not unless he was willing to risk disinheriting his sons. If he was subsequently forced by economic pressures to reclaim the land's output, and then he or his sons failed to redeem the land

17. Gary North, *Restoration and Dominion: An Economic Commentary on the Prophets* (Dallas, Georgia: Point Five Press, 2012), ch. 3.

at the mandatory price, plus 20%, all of his land would go to the priest in the jubilee year. Thus, there was an economic restraint on the over-commitment of land to the priesthood. The heirs of the conquest were to this degree protected. The only person who would have committed most or all of his land's output to a priest would have been a very rich absentee landlord who made his money in commerce. But to dedicate all of one's land in a grand display of wealth was risky. This person might subsequently fall into economic distress and be compelled to lease his property to another. The heirs of this individual would then have lost ownership of all the dedicated land. If their father had pledged all of their land, they would have lost their guaranteed status as freemen. Thus, the high risks of default would have tended to reduce the number of such large-scale pledges to priests.

Nevertheless, the possibility of disinheritance did exist. If a father was so distressed by the ethical rebellion of all of his sons, he had the ability to disinherit them. He could not disinherit one son among many in this way, but he could disinherit all of them. He could do this by dedicating all of his landed inheritance to a priest. He would then do one of two things: lease this land to someone else, or reclaim the land's output for himself. If his sons refused to redeem the land before the jubilee, or could not afford to, they lost their inheritance forever. The priest could not transfer the land back to the original owner. To do so would have meant disinheriting the tribe of Levi. The Mosaic law made no provision for such repatriation to the original owner's family. Once a piece of rural land passed into the possession of a priest, it had to remain there until he died. Then it passed to his nearest of kin. Unredeemed dedicated land became devoted land at the jubilee. It could never again lawfully leave the jurisdiction of the priesthood.

We have no historical example of this in Old Testament, but we have the archetype example in the New Testament: the transfer of title of the kingdom of God from the Jews to the church. How was this accomplished? First, Jesus announced that God the Father had promised the kingdom's inheritance to His new priesthood, the church. "Therefore I say unto you, The kingdom of God shall be taken from you, and given to a nation bringing forth the fruits thereof" (Matt. 21:43). This was a formal announcement of God's dedication of the Promised Land. But such a transfer of ownership could be made only to a priest. Rural land could be lawfully transferred from the family of one tribe to the family of another tribe only in this unique case: the

formal dedication of the land's output to a priest followed by a failure to deliver this output and a failure to redeem it.

This New Testament transfer of ownership was not to be to a single family of the priesthood; rather, it was made to a new nation. That nation is the church, which constitutes a new priesthood: a kingdom of priests (I Peter 2:9). The representative priest of this nation of priests was the High Priest. The High Priest is Jesus Christ (Heb. 9). This public dedication was legally secured for the church by the death of Jesus Christ, i.e., *the death of the Testator*. "For a testament is of force after men are dead: otherwise it is of no strength at all while the testator liveth" (Heb. 9:17). The publicly visible evidence of the transfer of the High Priest's inheritance to His heirs came when the Holy Spirit fell on the church at Pentecost (Acts 2).

Old Covenant Israel had refused to honor this dedication. They crucified the new High Priest. They did not redeem the land. Prior to the next jubilee, the output of the land was not delivered to the new priests, nor was the mandatory 20% redemption payment. That is, *the dedicated output of the land was not redeemed by the heirs whose legal title had been at risk*. The Jews not only did not pay the new priesthood the mandatory redemption price of 20%; they persecuted the church. *This secured the irrevocable transfer of the kingdom to the new priesthood*.

When was the next jubilee year after the dedication? When did the transfer of legal title to the heirs of the High Priest take place? James Jordan's study of New Testament chronology dates Jesus' death in A.D. 30 (Jewish year: 3960). Paul was converted shortly thereafter, after Pentecost. The next year, Jordan concludes from his study of the calendar after the exiles' return from Medo-Persia, was the seventh sabbath year in the final jubilee cycle.[18] The jubilee came in 3962, the year that Paul's ministry to the gentiles began.[19] This, I conclude, was the date of the transfer to the church of legal title to the kingdom of God: the fulfillment of Jesus' prophecy in Matthew 21:43.

Old Covenant Israel's failure to redeem this dedicated land was God's means of disinheriting all of His rebellious Israelite sons. They could be legally disinherited only as a family unit; selective disinheritance by a father was not possible. As long as any of the family's

18. If Jordan is correct that Jesus was sacrificed in the year prior to the seventh sabbath, this would have been the year scheduled by God for the miraculous triple harvest. This was the year of the largest firstfruits offering, which was delivered to the priesthood at Pentecost.

19. Jordan, "Jubilee, Part 3," *Biblical Chronology*, V (April 1993), [p. 2]. See also, "Chronology of the Gospels," *ibid*, IV (Dec. 1992).

land remained in the father's possession, all of his sons would have a piece of the inheritance. Disinheritance would not remove them from their tribe. Tribal membership secured their legal status as freemen. Thus, disinheritance was in this case economic, not judicial. The sons would have no lawful claim on any portion of the land. In A.D. 70, the self-disinherited sons of God were evicted by Rome from the temple. After Bar Kochba's rebellion of A.D. 133–35, they were evicted by Rome from the land. The diaspora began.

The idea so prevalent in modern fundamentalism that the modern State of Israel is in some way biblically entitled to God's original grant of land to Abraham, which was secured by Joshua during the conquest, is inescapably a denial of the authority and binding character of God's revealed law. The Old Covenant sons of God forfeited forever their legal title to the Promised Land and their guaranteed citizenship in the kingdom of God by their persecution of the New Covenant priests, the heirs of the dedication: the church. The covenantal heirs of these disinherited sons can reclaim their citizenship in the kingdom only as adopted sons, i.e., as members of God's New Covenant church. There can never be a repatriation of either the Promised Land or the kingdom of God to the Jews. Once a dedicated piece of land passed into the possession of a priest at the jubilee, there was only one way for it ever to be transferred back to the original owner. The original owner had to become a priest, and not merely a priest: the nearest of kin to the priest who had been given the land. *He had to be adopted by that priest*. Only through the death of this adopting kinsman-priest could the original owner legally regain possession of his former inheritance.

The Kinsman-High Priest made this offer of adoption to every Jew as well as to every gentile. "But as many as received him, to them gave he power to become the sons of God, even to them that believe on his name" (John 1:12). He still makes it. There is no other way to secure a piece of the now-devoted inheritance in history, which is mandatory in order to secure it in eternity.

This means that the land comprising the modern State of Israel is not the Promised Land of the Old Covenant. It also has no judicial connection to the kingdom of God or any prophecy regarding this kingdom. The kingdom of God had been connected to the land prior to Jesus' ministry and death, but the legal transfer of the kingdom took place at the time of the final jubilee, when the Jews redeemed neither land nor kingdom from the church. God transferred to the church, the new priesthood, lawful title to the kingdom at the res-

urrection of Jesus (Matt. 28:18–20), but He allowed the Jews to stay in control over both the land and the temple until A.D. 70. When they failed to redeem the land from the church prior to the next (and final) jubilee, title automatically transferred to the new priesthood. The land ceased to have any covenantal relevance in A.D. 70, when it came under God's vengeance.[20]

G. Lessees: Exempt from Earthly Negative Sanctions

It was not just the original land owner who had the option of rewarding the priests by a temporary donation of his land's net output. So could the person who had leased land from an original owner. But his situation was judicially unique: he was spared the 20% redemption penalty. "And if a man sanctify unto the Lord a field which he hath bought, which is not of the fields of his possession; Then the priest shall reckon unto him the worth of thy estimation, even unto the year of the jubile: and he shall give thine estimation in that day, as a holy thing unto the Lord" (Lev. 27:22–23). This law specified that the field would return to the original owner in the jubilee year (Lev. 27:24). The law protected the original land owner from the consequences of vow-breaking by the lessee. The lesee could not transfer ownership of something he did not own: land beyond the jubilee.

The lessee also escaped the penalty of disinheritance. A lessee who broke his vow of dedication and reclaimed the land was not threatened by the loss of the land in the jubilee. In fact, this law specifies no penalty at all. It does not state that the lessee must forfeit an equivalent quantity of his own land. This means that there was far greater likelihood that he would break his vow of dedication, compared to an original owner. The question arises: Why was the lessee exempt from the 20% penalty? If he was not subject to the threat of losing the dedicated land—it was not his land—then why wasn't the redemption penalty even greater than 20%? Why were no penalties imposed? The text does not say. We can only guess. Let us guess intelligently.

The lessee owed the original owner regular payments unless he had already paid the owner in advance. This placed him in a weaker economic position, other things being equal, than the original land owner. Either he bore greater contractual risk than an original owner would have borne or, if he had already paid the owner in advance, he had less cash available to redeem the land from the priest. Since

20. David Chilton, *The Days of Vengeance: An Exposition of the Book of Revelation* (Ft. Worth, Texas: Dominion Press, 1987).

the goal of a land-dedication vow was to reward the priests, excessive economic barriers to redemption would have been a disincentive for such vows. Thus, the priest bore greater risk of having his plans disrupted by a lessee than by an original owner. The lessee was more likely to reclaim the dedicated property than an original owner was.

If he paid no 20% penalty for breaking his vow to the priest, what would have protected the priests? *They were protected by the inescapable phenomenon of interest*. The present value of future goods is less than the present value of identical present goods. This discount is called the rate of interest.[21] The priest could lawfully demand an immediate cash payment of all the shekels remaining to be paid until the jubilee. But the present value of the money to be accrued in the future is less than the present value of the same number of monetary units paid today in cash. So, the lessee paid a penalty to the priest: the difference between the present value of the cash shekels and the present value of those shekels to come. This was not the 20% penalty, but it was nonetheless a penalty.[22]

The fact is, however, the law provided no explicit earthly negative sanctions for a priest to impose on a lessee who reclaimed previously dedicated land. The priest had to rely on the conscience of the lessee not to reclaim it. We see here that the long-term sanctity of the *land as inheritance* judicially outweighed the short-term sanctity of the *land in priestly dedication*. Only original owners could bring this unique sanction of disinheritance on their heirs.

H. A Judicial Price: Fixed by Law

Why not use a free market price in establishing the redemption price of dedicated land? Why did the text specify a specific price (50 shekels of silver) and a specific crop (barley)? Samson Raphael Hirsch, the mid-nineteenth-century Orthodox Jewish commentator, offered this explanation: this case "was the one unique case, standing quite by itself, where a field could be sold and the purchase ultimately become permanent. Hence for buying back, for the redemption of such a field which could eventually become a permanent purchase there could be no market price ascertained, so that the fixing of a universal fixed value

21. Ludwig von Mises, *Human Action: A Treatise on Economics* (New Haven, Connecticut: Yale University Press, 1949), ch. 19.

22. Those who deny the universal phenomenon of time-preference (interest) will have to seek for another explanation of how the priests were protected from disruptions in their plans: forfeited vows by lessees.

was a necessity."[23] I do not accept his explanation, but I do accept his identification of the uniqueness of this fixed price—a non-market price.

When a specific price is established by the Mosaic law, it becomes a judicial price, not a market price. Hirsch acknowledged that this was not a market price. What is not plausible is his argument that the market price in this case would have been difficult to ascertain. At the beginning of a jubilee cycle, it would have been only slightly higher than the lease price. The effect of discounting an income stream on years beyond half a century is to reduce its present value greatly.

There was another reason for a judicial price in this instance. The underlying problem was *the threat of monopolistic exploitation by the priest*—the possible misuse of his authority to declare arbitrarily a redemption price. The judicial price of 50 shekels protected the original owner. It was the priest's responsibility in all the redemption cases to declare the price, to which a 20% payment was added. In this unique case, however, the priest was given an opportunity to take permanent possession of land belonging to a member of another tribe. The temptation to cheat would have been very high. If the priest deliberately set the price too high, the original owner or his heirs could not afford to redeem the field until the jubilee year or the sabbatical year immediately preceding it. In those two years, the input of the land was zero—no seeding was legal—and the output was not legal for harvesting. Thus, even a supposed 50-shekel per homer price would not have been a barrier to redemption. The legal market price of the crop was still zero. But economic conditions might change prior to the jubilee year. The head of the family might be tempted later to lease it out if he needed money. The family would then lose the property forever at the jubilee year. The terms of redemption were therefore specified by law, so that there could be no doubt on the part of the field's redeemer or the civil and ecclesiastical authorities concerning exactly what was owed by the redeemer to the priestly family.

I. Restricting the Accumulation of Priest-Owned Land

In the European Middle Ages, deathbed transfers of land to the church were common. The church and especially its monastic orders accumulated huge tracts of land over the centuries as a result of these and other forms of land transfer.[24] In contrast, a deathbed legacy of

23. Samson Raphael Hirsch, *The Pentateuch: Leviticus* (part II), trans. Isaac Levy (Gateshead, England: Judaica Press, [1860s?] 1989), p. 825.

24. Marc Bloch, *Feudal Society* (Chicago: University of Chicago Press, [1940] 1961),

land to the priesthood on a permanent basis was almost impossible to make in Israel. A dying man might dedicate a plot of land to a priest, but the man's heirs could redeem it early or else wait for the jubilee year. The only possible deathbed transfer that could permanently have alienated land was a deathbed legacy from an owner—probably debt-ridden—who had leased out his plot of land and who then dedicated it to a priest. This assumes that the second interpretation of the leased land default is correct, which I do not accept. If that interpretation is correct, then economically incompetent men were the most likely sources of such permanent transfers of rural land in ancient Israel. But it was the wealthy medieval landowner, not the poor peasant, who was the source of deathbed legacies.

C. W. Previté-Orton commented on the two-fold threat to the medieval church in the twelfth century: too many lax men joining the monastic orders ,and too much wealth donated to these orders. "The extraordinary growth of monasticism new and old in the century of Church reform undoubtedly brought too many into the cloister, whether as converts or oblates, who had no true or lasting vocation for the ascetic life; and the enormous landed wealth lavished on them by the laity, either in devotion or in fear of Judgment Day, proved a dangerous ally of laxity and degeneration."[25] This was not true in Mosaic Israel. First, the entry price system of Leviticus 27:2–8 reduced the likelihood of the influx of poor people into the tribe of Levi. Second, the jubilee law, when coupled with the price of 50 shekels per barley-producing land unit at the beginning of the jubilee cycle (Lev. 27:16) and the permanent transfer law of Leviticus 27:20–21, reduced the likelihood of deathbed transfers of land. Such a transfer was a penalty, not a righteous gift.

Conclusion

The redemption price of dedicated rural land was a judicial price, not a market price. It was somewhat arbitrary, although not excessively so, given the conventional Mesopotamian price of one shekel of silver per homer of barley. It provided a rough means of estimating the redemption price of a piece of land.

The presence of a penalty payment of 20% identified as redemp-

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pp. 208–9; R. W. Southern, *Western Society and the Church in the Middle Ages* (Grand Rapids, Michigan: Eerdmans, 1970), pp. 261–63.

25. C. W. Previté-Orton, *The Shorter Cambridge Medieval History*, 2 vols. (Cambridge: At the University Press, [1952] 1966), I, p. 506.

tion prices three of the four prices in this passage: beasts, houses, and owner-dedicated fields.[26] These three penalty payments also served to keep the priests honest in making their estimation of the redemption price of any property. If the priests estimated the price above the market price, the potential redeemer would not buy it back, so the priest would forfeit the 20% bonus available to him.

The law governing the redemption of sanctified fields created a unique opportunity for the priests: the right to inherit rural land. If the sanctified plot was subsequently reclaimed by the owner but not redeemed, it became the inheritance of the priest in the jubilee year. This law served as the land owners' means of bribing a corrupt priesthood into announcing the jubilee year. The priests could not inherit unredeemed sanctified land unless they proclaimed the jubilee year. Set apart once by vow, the land could not be reclaimed—de-sanctified—by the vow-taking owner except by a cash redemption payment plus a 20 penalty.

This law placed a major restriction on the ability of a land owner to leave land to a priest. His heirs had the right to redeem the land. Thus, deathbed transfers of rural land were highly unlikely. The land owner would have had to sanctify the land on his deathbed without his heirs' paying an ever-smaller redemption price as the jubilee year approached. The priests would not become owners of property among the other tribes.

26. The fourth, exceptional price was the field dedicated by a leaseholder. He had to pay in cash the fixed shekel payments remaining on the property until the jubilee year, a price not discounted by the rate of interest.

37

TITHING: THE BENEFIT OF THE DOUBT

> *And all the tithe of the land, whether of the seed of the land, or of the fruit of the tree, is the* Lord's*: it is holy unto the* Lord*. And if a man will at all redeem ought of his tithes, he shall add thereto the fifth part thereof. And concerning the tithe of the herd, or of the flock, even of whatsoever passeth under the rod, the tenth shall be holy unto the* Lord*. He shall not search whether it be good or bad, neither shall he change it: and if he change it at all, then both it and the change thereof shall be holy; it shall not be redeemed.*
>
> LEVITICUS 27:30–33

We come at long last to the final and shortest exposition in this commentary. The theocentric meaning of this passage is that God, as the owner of all things, deserves a tithe. This is an aspect of hierarchy: point two of the biblical covenant model.[1]

A. A Holy Tithe

The tithe is described here as being holy (*kodesh*). It was judicially set apart for God by the Levites. That is, the tithe was sanctified. The tithe was not under the ban (see below). We know this because the 20% redemption payment was present in this law. The Levites enjoyed the tithe as God's representatives.

In a purely monetary society, the redemption law of the tithe is irrelevant. No one is going to pay a 20% payment to buy back his monetary tithe. This law is relevant only in a society in which income in kind is common: income measured in something other than money.

1. Ray R. Sutton, *That You May Prosper: Dominion By Covenant*, 2md ed. (Tyler, Texas: Institute for Christian Economics, [1987] 1992), ch. 2. Gary North, *Unconditional Surrender: God's Program for Victory*, 5th ed. (Powder Springs, Georgia: American Vision, [1980] 2010), ch. 2.

In such societies, goods are sometimes retained by their producers to be used or enjoyed for themselves, not sold into the market for money.

Why would someone pay a commission to redeem an object? Only if that object has special meaning or importance for him. If the quality of grain in a tithed sack is identical to the grain in the other nine sacks, the tithe-payer is not going to pay a commission to buy back the tithed sack. The assumption behind this law is that the impersonal collecting of the tithe may produce a personally significant loss for the tithe-payer. In order to enable him to minimize this loss, the law allows him to pay a 20% commission to buy back the special item.

There is no indication that this law has been annulled by subsequent biblical revelation. It applies only to agriculture, as the text indicates—primarily to herds of animals.

B. A Tithe on the Net Increase

The text reads: "And concerning the tithe of the herd, or of the flock, even of whatsoever passeth under the rod, the tenth shall be holy unto the LORD. He shall not search whether it be good or bad, neither shall he change it: and if he change it at all, then both it and the change thereof shall be holy; it shall not be redeemed." The tithe was collected from the increase of the herd. It was not imposed as a tax on capital. It was a tax on the increase. This increase was a net increase. If one animal of the herd had died since the time of the most recent payment of the tithe, the herd owner was allowed to set aside a replacement from the animals born since the last payment.[2] Had this not been the case, then losses from a disease that killed half a man's herd could not be deducted when assessing the net annual increase. This would constitute a tax on capital.

This law reveals that God gave the benefit of the doubt to the herd owner. An old beast that had died could lawfully be replaced by a young beast without the payment of a tithe. Presumably, this exchange would have benefited the owner, since the newborn animal would have had many years of productivity ahead of it. There would have been an increase of net productivity for the herd but not a net increase in the size of the herd. In some cases, however, the older beast would have been more valuable, especially a prize animal used for breeding or a trained work animal. God, as sovereign over life and

2. This is the economic equivalent of allowing a farmer to set aside from this year's crop an amount equal to last year's seed. A person pays the tithe on net output only once. He does not keep paying on capital, i.e., replaced producer goods.

death, imposes net losses or gains on a herd's productivity, irrespective of the number of beasts in the herd.

What was not tolerated by God was any attempt by the owner to pick and choose from among the newborns. The owner could not lawfully select the best of the newborns to replace the dead animals, using the less desirable newborns to pay his tithe, thereby cheating God. Presumably, the birth order of the newborns would govern the replacement of any dead beasts. The first newborn after the death of another member of the herd would have been segregated immediately from the other newborns as not being eligible for the tithe.

C. Under the Rod

Those newborn beasts that remained after the owner had replaced any dead animals constituted the net increase of the herd. In this case law, the herd owner lined up the newborns, probably in a pen, and drove them one by one past the Levite. Each beast passed under a rod. Every tenth beast was taken by the Levite. The herd owner was not allowed to walk the beasts under the rod in any pre-planned order. The same law that governed the voluntary sanctification of beasts governed the involuntary sanctification of beasts: "He shall not alter it, nor change it, a good for a bad, or a bad for a good: and if he shall at all change beast for beast, then it and the exchange thereof shall be holy" (Lev. 27:10). The owner was allowed to buy back any sanctified beast, but only by paying the redemption price commission.

The herd owner was given the benefit of the doubt at the end of the line. Only the tenth beast was holy. If as many as nine of the final group of beasts passed under the rod, the herd owner owed no tithe on those nine beasts. Where the product could not be divided without destroying the life or value of the item, the tithe applied only to discrete items. All those animals that passed under the rod after the final group of 10 had been counted escaped the sanctification process.

Because God gave the benefit of the doubt to the tithe-payer, it was especially evil for him to arrange in advance the collection of the tithe, with or without the collusion of the Levite. The assembling process was to be humanly random. Neither the tithe-payer nor the Levite was to manipulate the crop or the herd to his own advantage, or to the other's advantage. God owned the tenth; He alone was authorized to arrange the collection process. Any attempt by man to arrange the process was not only theft from God, it was an assertion

of man's autonomy. It was an attempt to manipulate the created order in a way prohibited by God.

D. The Ban

What if a tithe-payer defied God and manipulated the tithe-collection process? The tithed items came under the ban: "if he change it at all, then both it and the change thereof shall be holy; it shall not be redeemed." The tithed item became *hormah*: devoted to God. This degree of sanctification was absolute; once within the boundaries of God's possession, it could not lawfully be removed.

Why would a person manipulate the outcome of the collection process? Because he was trying to cheat God. He was unwilling to risk paying the 20% commission that would be imposed if he subsequently wanted to buy back a specific item. What was the penalty for this act of theft? Permanent loss. The very process of altering the outcome made the tithe holy—not holy as in sanctification, but holy as in devoted. The right of redemption ended.

There is no ban today—no *hormah*. That is because the New Covenant has annulled the sacrifice of animals. This aspect of the law is also annulled.[3]

Conclusion

The tithe was paid on the net increase of the herd. The owner of the herd paid his tithe only out of the newborn animals that remained after he had set aside replacement beasts for the ones that had died during the year. He was required to run the remaining newborns under a rod. He could not lawfully order the line of newborns so that the outcome of the tithe could be known in advance. The tenth beast became the property of the Levite. As in all cases of redemption, he could buy back that beast for a payment of its market value plus an additional payment of one-fifth.

If the owner violated this law by arranging the order of the beasts as they lined up, he could not buy back any of the animals. They became devoted to God—beyond redemption.

There is no New Testament evidence that the economics of this law has been altered. The tithe on the increase of a herd should still be honored.

3. By extension, the law of the military annihilation of all enemy males is also annulled (Deut. 20:13): no hormah.

What about the rod? Was its use tied exclusively to the office of Levite? The association with Moses and the rod indicates that its use was in some way tied to the Mosaic covenant. Aaron's rod was in the Ark of the Covenant (Heb. 9:4), but the Ark has disappeared. My conclusion is that there need be no rod in the process, but there must be a random distribution of the herd during the tithing process. We are not allowed to cheat God. If a prize animal gets tagged for collection by the church, the owner can pay its market price plus 20%. The presumption is, however, that prize animals of breeding age will be segregated in advance. The tithe on the net increase in prize animals must come from the segregated herd of prize animals. Such segregation was not lawful in Mosaic Israel (Lev. 19:19).[4]

If, after counting everything owed, there are up to nine beasts left over, no tithe is imposed. God still gives herd owners the benefit of the doubt.

What about the ban? Today, we do not sacrifice animals to God. Thus, to place an animal under the ban is to misinterpret this law. The owner can buy back the beast at a market price, but probably at public auction. Then he pays an additional 20% to the church. No cheating is allowed; whatever he pays for the animal, and however he obtains it, he pays 20% of what the purchase price had been at the time of the auction or its initial sale by the church.

4. Chapter 17.

CONCLUSION

Thrice in the year shall all your men children [males] appear before the Lord God, the God of Israel. For I will cast out the nations before thee, and enlarge thy borders: neither shall any man desire thy land, when thou shalt go up to appear before the Lord thy God thrice in the year.

EXODUS 34:23–24

This was God's ultimate visible evidence of His covenantally predictable defense of Israel. The very boundaries of the land would become sacrosanct—sacred and set apart by God—during the three mandated annual festivals. God promised that during the Israelites' numerous corporate journeys to Jerusalem, which was the only authorized place of sacrifice on earth, their enemies would not even want to invade the land. In their times of greatest military vulnerability, when the unarmed army of the Lord was marching to Jerusalem, the nation would be sheltered by the divine intervention of God. The nation was holy: set apart by God. This included the land itself. The sacrilege of military invasion during the mandatory feasts could not take place for as long as God maintained His covenant with Mosaic Israel. Israel would not be profaned. The sign of God's rejection of Israel would be a military invasion during a feast, especially Passover.

In A.D. 70, during Passover, the Roman legions surrounded the holy city and laid siege to it.[1] This event was that which had been forecast by Jesus (Luke 21:20–24): the Great Tribulation.[2] When the city fell, the Romans set fire to the temple. What would have been the ultimate boundary violation under the Mosaic Covenant—the ultimate sacrilege—was not only permitted by God, it had been prophesied by God. It was God's answer to a heavenly prayer:

1. Josephus, *The Wars of the Jews*, VI:IX:3.
2. David Chilton, *The Great Tribulation* (Ft. Worth, Texas: Dominion Press, 1987).

> And I looked, and behold a pale horse: and his name that sat on him was Death, and Hell followed with him. And power was given unto them over the fourth part of the earth, to kill with sword, and with hunger, and with death, and with the beasts of the earth. And when he had opened the fifth seal, I saw under the altar the souls of them that were slain for the word of God, and for the testimony which they held: And they cried with a loud voice, saying, How long, O Lord, holy and true, dost thou not judge and avenge our blood on them that dwell on the earth? And white robes were given unto every one of them; and it was said unto them, that they should rest yet for a little season, until their fellowservants also and their brethren, that should be killed as they were, should be fulfilled. And I beheld when he had opened the sixth seal, and, lo, there was a great earthquake; and the sun became black as sackcloth of hair, and the moon became as blood; And the stars of heaven fell unto the earth, even as a fig tree casteth her untimely figs, when she is shaken of a mighty wind (Rev. 6:8–13).[3]

The fall of Jerusalem to the Romans was God's final sign that the Jews' rebellion had terminated the Mosaic Covenant. Israel's national boundary was definitively and permanently breached by Rome during the nation's final Passover. The temple's sacred boundaries were eliminated. The sacrifices ended. These boundaries ceased to have covenantal relevance because the Mosaic Covenant had ceased to have any authority. God's predictable, covenantal, negative corporate sanctions were thoroughly applied to that nation which had broken His covenant. Divine protection for the boundaries of the land would never again defend Israel's residents.

A. Government and Sanctions

This raises a major question of biblical interpretation: What about those aspects of the Mosaic law that applied to Israel's civil government? Were they all annulled with the annulment of Israel's geographical boundaries? Were any of those laws cross-boundary phenomena? That is, did any of them serve as binding judicial standards for foreign nations? Deuteronomy 4:4–8 indicates that at least some of them did.[4] Does this mean that these have been extended by God into the New Covenant era? Are they still covenantally binding and therefore judicial ideals toward which all nations should strive, and in terms of which all nations are judged in history? My answer is the

3. See David Chilton, *The Days of Vengeance: An Exposition of the Book of Revelation* (Ft. Worth, Texas: Dominion Press, 1987), pp. 193–95.

4. Gary North, *Inheritance and Dominion: An Economic Commentary on Deuteronomy*, 2nd ed. (Dallas, Georgia: Point Five Press, [1999] 2012), ch. 8.

answer which is sometimes said to be the ultimate summary of all sociological theory: *some are, some aren't*. This answer in turn requires an additional principle of interpretation, a theological means of separating: (1) the cross-boundary Mosaic Covenant civil standards that are still judicially binding on men and nations from (2) the temporally and geographically bounded Mosaic standards. In short, the correct answer requires a hermeneutic: a principle of interpretation. The Book of Leviticus forces serious Christians to search for this biblical hermeneutic. Without this hermeneutic, Leviticus becomes a snare that traps antinomians in their total dismissal of all of its laws, and traps legalists in their total acceptance.

In order to apply the Bible judicially to the governmental realm—personal, church, state, and family—we require two things: *a principle of institutional exclusion* and the presence of *negative sanctions* to enforce this exclusion. Exclusion and inclusion are two sides of the same fence. Every boundary has an inside and an outside. So it is with membership in God's authorized covenantal institutions.

1. By Oath Consigned

Let us begin with the initial requirement for covenantal membership: the oath. There can be no lawful covenantal participation apart from a binding self-maledictory oath under God. A covenant is established only by a binding oath under God. People are, in the words of Meredith Kline, by oath consigned.[5] They are consigned by God[6] to heaven or hell in terms of a personal oath[7] of allegiance[8] and also by their lifelong adherence—"the perseverance of the saints"[9]—to its judicial stipulations.[10]

Let us consider political theory. People are consigned by an oath, either implicit or explicit, to membership in one state or another. The primary jurisdiction of the civil government is geographical. Everything within the boundaries of a particular state is under its jurisdiction, although this jurisdiction is always shared in certain ways with the other two covenantal institutions and usually shared also with regional civil governments within the jurisdiction of the larger

5. Meredith G. Kline, *By Oath Consigned: A Reinterpretation of the Covenant Signs of Circumcision and Baptism* (Grand Rapids, Michigan: Eerdmans, 1968).

6. Point one of the biblical covenant: sovereignty.

7. Point four of the biblical covenant: sanctions.

8. Point two of the biblical covenant: hierarchy.

9. Point five of the biblical covenant: inheritance.

10. Point three of the biblical covenant: law.

civil government. But one civil government has final civil jurisdiction, short of lawful rebellion by lower levels of civil government—the Protestant Reformation's doctrine of interposition.[11]

In contrast to their automatic subordination by implicit oath of obedience to the state on the basis of geography or birth, people may or may not be consigned by implicit oath to a church or a family. Those people who refuse to accept as binding on them the ethical and judicial terms of the covenantal oath in question cannot lawfully be part of the covenantal institution in question. Those who refuse to take this oath are not allowed in, and those inside who break the terms of this oath must be expelled: negative sanctions. There cannot be lawful government apart from oath and negative sanctions. The person's oath may be implicit,[12] but if the institution's sanctions are exclusively implicit, then there is neither a covenant nor a government: *no sanctions, no government*.

2. The Adamic Covenant

Inclusion into God's special covenant of redemption is by adoption. But there is another covenant, a more general covenant: the post-Edenic Adamic covenant. It was marked eucharisically ("graciously") by God's provision of animal coverings for Adam and Eve (Gen. 3:21). This general Adamic covenant also has laws and sanctions. It brings men under condemnation in eternity. The covenantally disinherited sons of Adam are still under its laws in history. Therefore, in order to pursue a better world, covenant-breakers must conform themselves to God's general covenantal law-order. The pre-Flood world should have repented. Similarly, Sodom should have repented. Nineveh was also required to repent. There is no doubt that God through Jonah threatened Nineveh with negative corporate sanctions in history, just as He threatened Sodom through Abraham and the angelic visitors. *The threat of such sanctions against non-covenanted nations testifies to the existence of covenantally binding laws*. That is, the sanctions testify to the existence of *general covenant laws* that nations break at their peril.

The Ten Commandments and many of the Mosaic Covenant's case

11. John Calvin, *Institutes of the Christian Religion* (1559), IV:xx:31. See also Michael R. Gilstrap, "John Calvin's Theology of Resistance," *Christianity and Civilization*, No. 4 (1983), pp. 180–217; Tom Rose, "On Reconstruction and the Federal Republic," *ibid*., pp. 285–310.

12. In the United States, a person born in the United States or born of one United States parent need not take a formal oath in order to vote as American citizen at age 18.

laws applied to the entire ancient world: cross-boundary laws. This was a form of covenantal inclusion. It was not inclusion within God's unique covenant of redemption, but it was inclusion within the general post-Eden Adamic covenant of temporal preservation: common grace. This grace is not given for the sake of covenant-breakers but for the sake of covenant-keepers.[13]

The existence of these general covenantal laws is affirmed by Paul's words: "For when Gentiles who do not have the Law do instinctively the things of the Law, these, not having the Law, are a law to themselves, in that they show the work of the Law written in their hearts, their conscience bearing witness, and their thoughts alternately accusing or else defending them, on the day when, according to my gospel, God will judge the secrets of men through Jesus Christ" (Rom. 2:14–16; NASB). The work of the law is written on all men's hearts—not the law itself, which resides only in the hearts of Christians (Heb. 8:10), but the work of the law.[14] If this were not true, on what legal basis could God condemn all covenant-breakers on the day of judgment and still remain faithful to His covenant with Adam? The existence of the universal sanction of death testifies to the continuing authority the laws of the Adamic covenant (Rom. 5:12–14).

This does not mean that Spiritually unaided human reason can discover the laws of the Adamic covenant. There is no such thing as Spiritually unaided human reason. God aids all men's reason to some degree in history. God grants varying degrees of common grace to men so that they can sense some aspects of His general social laws. He restrains their moral and intellectual rebellion. But the mind of covenant-breaking man is in rebellion; so, as men become more perverse—more consistent with their covenant-breaking presuppositions—they rebel against the knowledge they possesses by common grace. They suppresses the truth that God constantly reveals to them in nature (Rom. 1:18–22). Therefore, covenant-breaking man's logic cannot be trusted to persuade him of the truth. It can be trusted only to condemn him before God. His logic is as corrupt as his morals are. He has a flawed epistemology (theory of knowledge) because of his moral rebellion.[15] This is why all natural law theory rests on an

13. Gary North, *Dominion and Common Grace: The Biblical Basis of Progress* (Tyler, Texas: Institute for Christian Economics, 1987).

14. On the difference between these two operations, see John Murray, *The Epistle to the Romans*, 2 vols. (Grand Rapids, Michigan: Eerdmans, 1959), I, pp. 72–76.

15. Cornelius Van Til, *A Christian Theory of Knowledge* (Nutley, New Jersey: Presbyterian & Reformed, 1969).

illusion: the illusion of logically shared moral standards and sanctions among all mankind. Natural law theory is the creation of covenant-breaking men: Stoics of the late Classical period and Newtonians of the modern era.

Covenant-breaking man is by Adamic oath consigned to hell. He is from conception an oath-breaker in Adam, his legal representative before God (Rom. 5). He is a disinherited son: in time and eternity. He has been excluded from eternal life *in history*. "He that believeth on the Son hath everlasting life: and he that believeth not the Son shall not see life; but the wrath of God abideth on him" (John 3:36). To the extent that he and his fellow covenant-breakers live consistently in history with their broken oaths, they will become progressively more rebellious and progressively more threatened by God's predictable corporate negative sanctions in history.

Political pluralists emphatically deny this. They deny any legitimate New Covenant judicial relationship between God's righteous exclusion of covenant-breaking men in eternity and a civil government's righteous exclusion of them from citizenship in history. They affirm the civil legitimacy another standard and another oath. To which theonomists reply: By what other standard?[16] By what other oath?

3. Theocracy: Trinitarian vs. Non-Trinitarian

In the New Covenant, every civil oath must be Trinitarian, for the New Covenant reveals that the God of the covenant is a Trinitarian God. There is no other God whose oath is binding in history and eternity. The Great Commission requires that Christians work to see to it that all nations are baptized into Christ (Matt. 28:18–20).[17] God requires that every nation on earth be brought under His civil covenant's administration through corporate affirmation: a Trinitarian oath. Civil magistrates are all supposed to be Christians.

A civil oath invokes God's laws and sanctions in history. The state's jurisdiction is geographical and therefore comprehensive within its boundaries—no separate jurisdictions. The only exceptions to this rule are foreign embassies. Inside their boundaries their home nations' laws prevail. I argue that no such grant of judicial immunity

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16. Greg L. Bahnsen, *No Other Standard: Theonomy and Its Critics* (Tyler, Texas: Institute for Christian Economics, 1991).

17. Kenneth L. Gentry, Jr., *The Greatness of the Great Commission: The Christian Enterprise in a Fallen World* (Tyler, Texas: Institute for Christian Economics, 1990), ch. 10.

to any non-Trinitarian nation's embassy is biblically valid within a Christian nation. Every non-Christian nation must come to God's nations "on bended knee," to this extent: it is not entitled to a separate jurisdiction within the geographical boundaries of one of God's covenanted nations. Any attempt to renounce the requirement of a Trinitarian civil oath is necessarily an attempt to invoke another god's covenant. But there can be no covenantal neutrality in history. Thus, inclusion in and exclusion from civil citizenship are required by God to be based on public Trinitarian confession. Citizenship—the authority to render binding judgment in a civil court, which includes the ballot box—must be based on restricted church membership (ecclesiastical boundaries) and a restricted franchise (civil boundaries).[18] It is this assertion regarding the civil oath which distinguishes Trinitarian theocratic movements (few and far between) from the broad range of post-Newtonian Christianity, i.e., political pluralism based on a shared confession of faith.[19] This usually becomes a confession of faith in autonomous civil government.

Second, there must be the imposition of negative institutional sanctions in history to defend the stipulations of this oath. These negative sanctions are specified in the Mosaic covenant: formal warning or excommunication (ecclesiastical) and either economic restitution, public whipping, loss of citizenship, or public execution (civil). Modern Christians do not readily accept these general exclusionary requirements as legitimate if done in the name of Jesus Christ. Modern churches rarely excommunicate members. Many churches celebrate the Lord's Supper so infrequently that there is hardly anything to be excommunicated from.[20] It should therefore come as no surprise that Christians who are unwilling to excommunicate theologically deviant members are also hostile to any concept of citizenship based on a public, Trinitarian oath of allegiance. In this crucial judicial sense, *modern Christians have become inclusivists*. They have become civil Unitarians—belief in any god as sufficient for civil oath—and even civil atheists: binding civil oaths without reference to God. That is, they

18. Gary North, *Political Polytheism: The Myth of Pluralism* (Tyler, Texas: Institute for Christian Economics, 1989), ch. 2.

19. The problem for the American churches today is this: the United States of America is officially covenanted constitutionally to the god of humanism, i.e., religious neutrality (Article VI, Section III). *Ibid.*, pp. 385–92.

20. The Church of Christ denomination, following Alexander Campbell's rejection of Presbyterianism's closed communion, holds the Lord's Supper weekly, but then it denies the Supper's covenantal relevance by refusing to exclude anyone from participating.

have become pluralists.[21] This ecclesiastical and civil inclusivism has steadily been extended from modern politics—which is accompanied by a common civil religion[22]—into theology. Evangelical leaders have begun to abandon the biblical doctrine of hell and then lake of fire: the ultimate place of exclusion.[23]

B. Natural Law Theory

While modern Christians accept in theory the legitimacy of formal excommunications, however rare excommunications may be in our day—surely not a testimony to widespread exemplary living by Christians in our day—they do not believe in civil excommunication from the civil franchise on the basis of creedal confession. Protestant Christians for over three centuries, and Anglo-American Roman Catholics for at least a century, have adopted political pluralism as their civil ideal. This has required the adoption of *a common-ground judicial confession*: natural law philosophy. Today, however, only Christians and a tiny handful of secular scholars still defend natural law theory.

Natural law theory is a defunct world-and-life view in modern humanism. Charles Darwin and his followers by 1880 had destroyed the epistemological foundations of natural law philosophy.[24] Darwinism has enshrined the doctrine of *environmental determinism*. Binding biological laws at any moment in history are explained as the result of the conflict for survival: individuals vs. individuals, species vs. species, and species vs. geological environment. Similarly, binding social laws at any moment are explained as the result of competitive social groups and their physical and social environments. There are therefore no permanently binding social or moral laws in the worldview of Darwinism. The triumph of the Darwinian worldview has been

21. North, *Political Polytheism*, Part 3.

22. Russell E. Ritchey and Donald G. Jones (eds.), *American Civil Religion* (New York: Harper & Row, 1974); Robert V. Bellah, *The Broken Covenant: American Civil Religion in Time of Trial* (New York: Seabury Crossroad, 1975); Bellah and Frederick E. Greenspahn, *Uncivil Religion: Interreligious Hostility in America* (New York: Crossroad, 1987); Sidney E. Mead, *The Lively Experiment: The Shaping of Christianity in America* (New York: Harper & Row, 1963); Richard V. Pierard and Robert D. Linder, *Civil Religion and the Presidency* (Grand Rapids, Michigan: Zondervan Academie, 1988).

23. In 1989, at a conference of almost 400 evangelical American Protestant theologians, a majority refused to affirm the doctrine of hell. *World* (June 3, 1989), p. 9. See below: Appendix G, "The Covenantal Structure of Judgment," footnote #1.

24. Rousas J. Rushdoony, *The Biblical Philosophy of History* (Nutley, New Jersey: Presbyterian and Reformed, 1969), pp. 6–7; Gary North, *Sovereignty and Dominion: An Economic Commentary on Genesis* (Dallas, Georgia: Point Five Press, [1982] 2012), Appendix A.

almost universal, even among groups that do not accept Darwin's doctrine of exclusively biological evolution.

Faith in ancient Stoicism's theory of a shared common-ground philosophy that unites all rational men is now fading even among Christians—its last defenders. This has left modern Christianity *judicially mute*: judicial salt without savor, fit for being trampled underfoot politically. This is exactly where God's enemies want us.

What Christians need is an authoritative foundation for their knowledge. Without this, those who represent Jesus Christ in history will remain incapable of defending the judicially binding character His oath. They will remain impotent to bring God's covenant lawsuit against covenant-breakers in every area of life. In short, they will continue to refuse to invoke God's corporate sanctions in history.

C. The Laws of Leviticus

How does Leviticus fit into a program of covenantal sanctions? Can Christians confidently invoke the corporate sanctions of Leviticus (Lev. 26) as God's continuing corporate historical sanctions, both positive and negative?

This commentary focuses on the narrow topic of economics. I have surveyed the Levitical laws governing economics. I have also distinguished temporary Mosaic laws of the land from permanent covenantal laws that crossed Israel's geographical boundaries during the Mosaic era and then passed into the New Covenant. It is appropriate here to review these laws.

1. Land Laws and Seed Laws

Land laws and seed laws were laws associated with God's covenantal promises to Abraham regarding his offspring (Gen. 15–17). There was a chronological boundary subsequently placed on the seed laws: Jacob's prophecy and promise. "The sceptre shall not depart from Judah, nor a lawgiver from between his feet, until Shiloh come; and unto him shall the gathering of the people be" (Gen. 49:10). After Shiloh came, Jacob said, the scepter would depart from Judah. The unified concept of *scepter and lawgiver* pointed to the civil covenant: physical sanctions and law. Jacob prophesied that the lawful enforcement of the civil covenant would eventually pass to another ruler: Shiloh, the Messiah.

The Levitical land laws were tied covenantally to the Abrahamic promise regarding a place of residence for the Israelites (Gen. 15:13–16).

These land laws were also tied to the Abrahamic promise of the seed. "In the same day the LORD made a covenant with Abram, saying, Unto thy seed have I given this land, from the river of Egypt unto the great river, the river Euphrates" (Gen. 15:18). The mark of those included under the boundaries of these seed laws was the covenantal sign of circumcision (Gen. 17:9–14). Circumcision established a personal covenantal boundary. There were also family and tribal boundaries tied to the laws of inheritance. The ultimate inheritance law was above all a land law: the jubilee law (Lev. 25).

The fall of Jerusalem and the abolition of the temple's sacrifices forever ended the Mosaic Passover. The five sacrifices of Leviticus 1–7 also ended forever. There can be no question about the annulment of the inheritance laws by A.D. 70. *But with this annulment of the inheritance laws also came the annulment of the seed laws.* Once the Messiah came, there was no further need to separate Judah from his brothers. Once the temple was destroyed, there was no further need to separate Levi from his brothers. There was also no further need to separate the sons of Aaron (priests) from the sons of Levi (Levites). Therefore, the most important Mosaic family distinction within a single tribe—the Aaronic priesthood—was annulled: the ultimate representative case. *The tribal and family boundaries of the Abrahamic covenant ceased to operate after A.D. 70.* This annulled the Mosaic law's applications of the Abrahamic covenant's land and seed laws. The land and seed laws were aspects of a single administration: the Mosaic Covenant. The New Covenant—based exclusively and forthrightly on the covenantal concept of adoption[25]—replaced the Mosaic Covenant.

(a) Land Laws

Biblical quarantine (Lev. 13:45–46). This law dealt with a unique disease that came upon men as a judgment. Only when a priest crossed the household boundary of a diseased house did everything within its walls become unclean. This quarantine law ended when this judicial disease ended, i.e., when the Mosaic priesthood ended.[26]

Promised land as a covenantal agent (Lev. 18:24–29). The land no

25. Infant baptism is not a confirmation of covenantal inheritance through biological inclusion but rather its opposite: the confirmation of covenantal inheritance through adoption, i.e., adoption into the family of God, His church. The one who baptizes is an agent of the church, not an agent of the family. This was true under the Abrahamic covenant, too: the male head of the household circumcised the males born into that household, but as an agent of the priesthood.

26. Chapter 9.

longer functions as a covenantal agent. That temporary office was operational only after the Israelites crossed into Canaan. That office was tied to the presence of the sanctuary: the holy of holies.[27]

The laws of clean and unclean beasts (Lev. 20:22–26). This was a land law, for it was associated with the land's office as the agent of sanctions. These laws marked off Israel as a separate nation. This is true of the dietary laws generally, which is why God annulled them in a vision to Peter just before he was told to visit the house of Cornelius (Acts 10).[28]

The national sabbatical year of rest for the land (Lev. 25:1–7). This was an aspect of the jubilee year. The law was part of God's original grant of leaseholds at the time of the conquest. There is no agency of enforcement today. There has been no national grant of land.[29]

The jubilee law (Lev. 25:8–13). This law applied only to national Israel. It was a law uniquely associated with Israel's conquest of Canaan. It was in part a land law and in part a seed law: inheritance and citizenship. It was more judicial—citizenship—than economic. The annulment of the jubilee law was announced by Jesus at the beginning of his ministry (Luke 4:17–19). This prophecy was fulfilled at the final jubilee year of national Israel.[30] This probably took place in the year that Paul's ministry to the gentiles began, two years after the crucifixion.[31]

The jubilee law prohibiting oppression centered around the possibility that the priests and magistrates might not enforce the jubilee law (Lev. 25:14–17). Thus, those who trusted the courts when leasing land would be oppressed by those who knew the courts were corrupt.[32]

The jubilee year was to be preceded by a miraculous year bringing a triple crop (Lev. 25:18–22). This designates the jubilee year law as a land law with a blessing analogous to the manna. The manna had ceased when the nation crossed the Jordan River and entered Canaan.[33]

The prohibition against the permanent sale of rural land (Lev. 25:23–24). This was a land law. This law did not apply in walled cities that were not Levitical cities.[34]

27. Chapter 10.
28. Chapter 21.
29. Chapter 23.
30. Chapter 24.
31. James Jordan, "Jubilee (3)," *Biblical Chronology*, V (April 1993), [p. 2].
32. Chapter 25.
33. Chapter 26.
34. Chapter 27.

The law promising rain, crops, peace in the land, and no wild beasts in response to corporate faithfulness (Lev. 26:3–6). This was a land law. Nature's predictable covenantal blessings were tied to the office of the holy land as the agency of sanctions.[35]

(b) Seed Laws

Gleaning (Lev. 19:9–10). The gleaning law applied only to national Israel, and only to farming. It was an aspect of the jubilee land laws: inheritance and citizenship. It was a means of establishing a major form of charity in tribe-dominated rural regions. This law promoted localism and decentralization in Mosaic Israel.

The moral principle of gleaning extends into New Covenant times as a charity law, but not as a seed law. The moral principle is this: *recipients of charity who are physically able to work hard should*. This law is not supposed to be applied literally today. There were no applications in civil law. This law was enforced by the priesthood, not by the state, for no corporate negative sanctions were threatened by God, nor would it have been possible for judges to identify precisely which poor people had been unlawfully excluded.[36] This principle of interpretation also applies to the re-statement of the gleaning law in Leviticus 23:22.[37]

The laws against allowing different breeds of cattle to interbreed (Lev. 19:19). This was a temporary seed law. It reflected the laws of tribal separation. So did the law against sewing a field with mixed seeds. Also annulled is the prohibition against wearing wool-linen garments.[38]

The law against harvesting the fruit of newly planted trees for three years and setting aside the fourth year's crop as holy (Lev. 19:23–25). This was a seed law. It was a curse on Israel because of the failure of the exodus generation to circumcise their sons during the wilderness wandering. It is no longer in force.[39]

The law governing the enslavement of fellow Israelites (Lev. 25:39–43). This was a seed law, although by being governed by the jubilee law, there was an aspect of land law associated with it. There is no longer any long-term indentured servitude bringing a family under the authority of another family for up to 49 years.[40]

35. Chapter 32.
36. Chapter 11.
37. Chapter 22.
38. Chapter 17.
39. Chapter 18.
40. Chapter 29.

The law governing the permanent enslavement of foreigners (Lev. 26:44–46). This must have been a seed law rather than a land law, for it opened the possibility of adoption, either by the family that owned the foreign slaves or by another Israelite family.[41]

The law governing the redemption of an Israelite out of a foreigner's household by the kinsman-redeemer (Lev. 25:47–55). This was a seed law.[42]

2. Priestly Laws

The laws of five sacrifices (Lev. 1–7). These were all priestly laws. They are no longer in force.[43]

The law prohibiting wine drinking by priests while they were inside the tabernacle or temple (Lev. 10:8–11). This law was exclusive to priests as mediatorial agents. The wine belonged to God. It had to be poured out before the altar. This law was tied to the holiness of the temple. It did not apply to Levites or priests outside of the temple's geographical boundaries.[44]

The law establishing the official prices of people who take vows (Lev. 27:2–8). This was a law governing access to the priesthood. These vows governed those who were devoted—irrevocably adopted—to priestly service.[45]

The law establishing vows to priests and the inheritance of rural land (Lev. 27:9–15). This law was primarily priestly but secondarily a seed law: an aspect of inheritance. This law placed the negative sanction of disinheritance on those who vowed to support a priest through the productivity of a dedicated plot of land and then refused to honor the vow. The land went from being dedicated to devoted: beyond redemption.[46]

The final abolition of the Mosaic priesthood at the fall of Jerusalem ended the authority of all of these laws forever. They were holiness laws for the holy land. The holy land is no longer holy.

3. Cross-Boundary Laws

Cross-boundary laws are still in force under the New Covenant. These are properly designated as Deuteronomy 4 laws: designed by God to bring men to repentance through the testimony of civil justice within a holy commonwealth.

41. Chapter 30.
42. Chapter 31.
43. Chapters 1–7.
44. Chapter 8.
45. Chapter 35.
46. Chapter 36.

Fraud and false dealing (Lev. 19:11–12). The laws against theft still prevail. They had no unique association with either the land or the promised seed.[47]

The law against robbing an employee by paying him later than the end of the working day (Lev. 19:13). This law protects the weakest parties from unfair competition: the ability to wait to be paid.

The law against tripping the blind man and cursing the deaf man (Lev. 19:14). The weaker parties are to be protected by civil law.[48]

The prohibition against enforcing laws that discriminate in terms of wealth or power (Lev. 19:15). This law had no unique association with Israel's land or seed laws. Its theological presupposition is that God is not a respecter of persons: a theological principle upheld in both covenants.[49]

The prohibition against personal vengeance (Lev. 19:18). This establishes the civil government as God's monopoly agency of violence.[50]

The law prohibiting judicial discrimination against strangers in the land (non-citizens) (Lev. 19:33–36). This law an aspect of the just weights law. Laws governing justice were not land-based or seed-based.[51]

The law against offering a child to Molech (Lev. 20:2–5). This was a law governed by the principle of false worship, although it appears to be a seed law (inheritance) or perhaps a land law (agricultural blessings). It had to do with identifying the source of *positive sanctions* in history: either God or a false god. God's name is holy: *sanctified*.[52] This will never change.

The jubilee law prohibiting taking interest from poor fellow believers or resident aliens (Lev. 25:35–38). This law was an extension of Exodus 22:25. It was included in the jubilee code, but it was not derived from that code. In non-covenanted, non-Trinitarian nations, however, Christians are the resident aliens. Thus, the resident alien aspect of the law is annulled until such time as nations formally covenant under God.[53]

The law promising fruitfulness and multiplication of seed (Lev. 26:9–10). This law was covenantal, not tied to the holy land or the tribal structure of inheritance. It was a confessional law, but because of its universal promise, it was a common grace law.[54]

47. Chapter 12.
48. Chapter 13.
49. Chapter 14.
50. Chapter 16.
51. Chapter 19.
52. Chapter 20.
53. Chapter 28.
54. Chapter 33.

Negative corporate sanctions (Lev. 26:13–17). These were promised to Israel, but they were not tied to either the holy land or the promised seed. The governing issue was the fear of God, which is still in force.[55]

The law of the tithe that applied to animals passing under a rod (Lev. 27:30–37). This law still applies, though it is no longer very important in a non-agricultural setting. God still prohibits individuals from structuring tithes in kind (goods) from pre-collection rearrangements that favor the tither.[56]

D. The Principle of the Boundary

I have argued that Christians need a Bible-based hermeneutic in order to interpret correctly the applications of the laws of the Old Covenant in the New Covenant era. This is also Professor Poythress' argument.[57] By now the reader should understand what this biblical principle of judicial interpretation is: the principle of the boundary.

This is a very long commentary. Most of it has been devoted to an explanation of laws that are no longer binding: seed laws, land laws, and priestly laws. Why devote so much time, money, and space to a study of things no longer relevant? Answer: in order to be confident about the laws that are still relevant.

A scholar spends most of his life examining records, experiments, books, and articles that do not apply to his immediate concerns. Scholarship is the process of sifting through what is, for a scholar, mostly irrelevant information. He sifts in terms of a principle—a hermeneutic—which leads to scientific and intellectual breakthroughs. So it is with the New Covenant student of the laws of Leviticus. Our problem today is that there is no agreement among Christians regarding the proper principle governing this judicial sifting process.

Theonomists have a general principle of judicial interpretation: unless an Old Covenant law is in principle or specifically annulled by the New Testament, it is still in force. Bahnsen wrote: "The *methodological* point, then, is that we presume our obligation to obey any Old Testament commandment unless the New Testament indicates otherwise. We must assume continuity with the Old Testament rather than discontinuity."[58] That is, the theonomist announces with respect

55. Chapter 34.

56. Chapter 37.

57. Vern Sheridan Poythress, "Effects of Interpretive Frameworks on the Application of Old Testament Law," in *Theonomy: A Reformed Critique*, eds. William S. Barker and W. Robert Godfrey (Grand Rapids, Michigan: Zondervan Academie, 1990), ch. 5.

58. Greg L. Bahnsen, *By This Standard: The Authority of God's Law Today* (Tyler, Texas:

to all Old Covenant laws: "Innocent until proven guilty." An unchallenged Old Covenant law is said to have been granted citizenship automatically by the New Testament. No additional proof of citizenship is required by law. Unless its citizenship has been revoked by the New Testament, a Mosaic law automatically crosses the boundary between the two covenants. The law's adoption into the New Covenant kingdom of God is automatic. The representative rhetorical hard case for this principle of interpretation is the law's mandated stoning of rebellious sons (Deut. 21:18–21).[59]

All other schools of Christian biblical interpretation assert a rival judicial hermeneutic: any Old Covenant law not repeated in the New Testament is automatically annulled. The non-theonomist announces with respect to every Old Covenant law: "Guilty until proven innocent." An Old Covenant law is automatically turned back at the border of the New Covenant unless it has had citizenship papers issued by the New Testament. Its disinheritance is automatic unless it has been explicitly adopted into God's New Covenant kingdom. The representative rhetorical hard case for this hermeneutic is bestiality (Lev. 18:23; 20:15–16).[60]

A majority of the economic laws of Leviticus were turned back at the covenantal border. But this rejection was not automatic. The geographical and tribal promises that went to Abraham's seeds (plural) were fulfilled with the coming of the prophesied Seed (singular: Gal. 3:16)—the Messiah, Shiloh, Jesus Christ, the incarnate Son of God—who announced His ministry's fulfillment of the judicial terms of the jubilee year (Luke 4:16–21). This fulfillment was confirmed through His death and resurrection—the ultimate physical liberation. Israel's permanent disinheritance was prophesied by Jesus: "Therefore say I unto you, The kingdom of God shall be taken from you, and given to a nation bringing forth the fruits thereof" (Matt. 21:43). This transfer of the kingdom's inheritance to this new nation took place at Pentecost (Acts 2). The visible manifestation of the permanent revocation of the Abrahamic inheritance to his biological heirs was the fall of

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Institute for Christian Economics, 1985), p. 3.

59. By mandating the execution of rebellious adolescents and adult sons, this case law declared war against any criminal class. The enforcement of this case law means that a criminal class cannot easily come into existence. R. J. Rushdoony, *The Institutes of Biblical Law* (Nutley, New Jersey: Craig Press, 1973), pp. 185–91.

60. See my response to Dan G. McCartney: Gary North, *Westminster's Confession: The Abandonment of Van Til's Legacy* (Tyler, Texas: Institute for Christian Economics, 1991), pp. 211, 214.

Jerusalem in A.D. 70. Israel had failed to keep the terms of the covenant. The predictable negative corporate sanctions came in history.

E. Discontinuity and Continuity in the Levitical Sacrifices

The whole burnt offering was annulled by the New Covenant. There is no evidence that its underlying principle of sacrifice was annulled: unblemished animal, the best of the flock, but only one. This was a high-cost sacrifice, but it was nevertheless limited. Conclusion: *man cannot pay God all that he owes*. This judicial principle was illustrated by the whole burnt offering, but it was not limited to it.

The meal offering was annulled, but not its underlying principle of the hierarchical authority of the priesthood. The salt of this earthly sacrifice is no longer lawfully administered by any priest; the eternal salt of the covenant (Mark 9:47–49) is administered by the High Priest, Jesus Christ. The judicial principle of the meal offering still is in force: if you do not bring a satisfactory offering to be salted and consumed by the fire, then you will become that offering.

The peace offering is no longer eaten by the offerer at a meal held inside the boundaries of the temple. But the *economic* principle of the leaven—the best a man can offer God from his "field"—has not been removed from the New Covenant's voluntary offerings. Neither has the *cultural* principle of leaven: expansion over time.

The related principles of corporate responsibility and corporate representation are no longer manifested in the sin offering, i.e., purification offering. Nevertheless, they are clearly revealed in the Adamic covenant and the New Covenant. The biblical principle of the delegation of earthly authority—from God to the people to their representative—was illustrated in the purification offering, but it was not inaugurated by this offering. It therefore did not perish with this offering. Also, we no longer bring an animal to serve as our trespass or reparation offering for a sin of omission, but the principle of the sacrifice proportionate to one's wealth still applies, in church and state.

A thief's reparation offering is no longer made by presenting a ram without blemish. But there is no indication that an offering comparable in value to a ram in the Mosaic economy should not still be presented to a church by the self-confessed thief, nor should his victim be denied the return of the thing stolen plus a reparation payment of 20%. The judicial boundary between sacred and common still exists. A violation of such a boundary still constitutes a profane

act. But sacred boundaries in the New Covenant are overwhelmingly judicial-ecclesiastical rather than geographical.

The annulment of the Levitical sacrifices has not annulled the principles that underlay these sacrifices, any more than the annulment of the Mosaic priesthood has somehow annulled the principle of sacrifice. The High Priest's office still exists, but only one man holds it: the resurrected Jesus Christ. The mediatorial role of the Old Covenant priest in offering a bloody sacrifice has been annulled by Christ's perfect, one-time sacrifice (Heb. 9). This does not mean that the ministerial, judicial, and educational role of the Levites has been annulled. The diaconate has replaced the Levites' social role. Melchizedek, the priestly king of Salem, offered Abraham bread and wine, and Abraham paid his tithe to him (Gen. 14:18–20). The annulment of the Mosaic priesthood did not annul this Melchizedekan ecclesiastical role. This is the inescapable message of the epistle to the Hebrews, which is the New Testament's book of priestly discontinuity.

There is both judicial continuity and discontinuity in the transition between Old Covenant and New Covenant. Both of these principles must be forthrightly proclaimed and defended exegetically. This commentary is long because Christians have too often only intuitively recognized which features of the Mosaic law have been annulled and which are still binding. They have not applied a consistent hermeneutic. It is long because it is exegetical. Most of all, it is long because we require casuistry to make sense of Leviticus: the application of general law to specific cases, and the investigation of specific case laws to discover the general legal principle governing any of them. Casuistry is a tiring, highly detailed process of discovery that must continue in every generation if God's kingdom is to be extended. John Frame insisted in 1990, "*all* the exegetical work remains to be done!"[61] Not all. A great deal, no doubt, but not all. It is also worth noting that the modern "school of the non-prophets," which asserts an absolute judicial discontinuity between the whole of Leviticus and the New Covenant, has a great deal of work ahead of it, too.

I have said my piece regarding Leviticus. It has been a long piece. It is now my critics' turn to say theirs. Then we shall see just how much discontinuity they can prove, and what the moral and cultural effects of these alleged discontinuities will be. I suggest that they begin with the Levitical case laws governing bestiality. One thing is sure:

61. John Frame, "The One, the Many, and Theonomy," in *Theonomy: A Reformed Critique*, p. 97.

if they turn to pre-Kant natural law as their suggested alternative to the Mosaic law, they will have to show why Hume was wrong, Kant was wrong, Hegel was wrong, Darwin was wrong, and existentialism is wrong. If the only civil stipulation they leave us with is the death penalty in Genesis 9, they have not left us with much.[62] They have in fact left us judicially defenseless. If we cannot appeal to God's justice, as manifested in His Bible-revealed law, to what should Christians appeal? The dispensationalist answers, "the Rapture." The amillennialist answers, "the end of history." But what happens to us if either event is delayed?

I answer: if we cling to a hermeneutic of personal judicial discontinuity only, *we should prepare for negative corporate sanctions*. "Salt is good: but if the salt have lost his savour, wherewith shall it be seasoned? It is neither fit for the land, nor yet for the dunghill; but men cast it out. He that hath ears to hear, let him hear" (Luke 14:34–35).

Conclusion

For three decades, the critics of theonomy have issued this challenge: "Prove your case exegetically." Rushdoony's first volume of *The Institutes of Biblical Law* (1973) was theonomy's frontal assault. He suggested hundreds of ways in which Mosaic case laws still apply. He used the Ten Commandments as his integrating principle. Bahnsen's *Theonomy in Christian Ethics* (1977) provided a technical apologetic defense of theonomy, written in the arcane language called "theologian." It has received more attention—most of it negative—from the theologians than Rushdoony's *Institutes* because Bahnsen wrote fluently in their adopted tongue, which the rest of us have difficulty following without a dictionary and a grammar handbook. I showed in *Tools of Dominion* (1990) how the case laws of Exodus still apply to economics and civil justice. These books all emphasized continuity.

Our critics have not been satisfied. They have continued to complain: "You say that you have a hermeneutical principle of discontinuity. Let us see it in action." They have implied that theonomists possess no hermeneutic of discontinuity, other than the obvious annulment of the laws sacrifice by the Epistle to the Hebrews. If our critics are honest—a gigantic *if*—we should now begin to see a muting

62. H. Wayne House and Thomas D. Ice, *Dominion Theology: Blessing or Curse* (Portland, Oregon: Multnomah Press, 1988), pp. 127, 130. For a reply, see Greg L. Bahnsen and Kenneth L. Gentry, Jr., *House Divided: The Break-Up of Dispensational Theology* (Tyler, Texas: Institute for Christian Economics, 1989), pp. 93–96.

of this criticism, or at least a mutating. I am not counting on this, however. I first published this in 1994. So far, no response.

A challenge appeared in the Spring, 1993, issue of the *Bulletin* of the Association of Christian Economists. Westmont College economics professor Edd S. Noell, in a well-balanced summary of the theonomic (i.e., my) approach to economic analysis, concluded with this challenge to theonomists (i.e., to me): "They must more carefully delineate the Old Testament laws that are abolished by the New Testament and the exegetical basis for their position in this regard. They must consider more extensively the issue of the context of the ancient agrarian economy of Israel in which the Mosaic law was given. There is more work to be done to convince fellow Christian economists of some of the specific exegetical conclusions they reach (in regard to monetary reform as well as other policy applications)."[63]

An Economic Commentary on the Bible is my response to this criticism. So are my *Introduction to Christian Economics* (1973) and two of my books in the Biblical Blueprint Series: *Honest Money* (1986) and *Inherit the Earth* (1987). So is my critique of Social Credit economics, *Salvation Through Inflation* (1993). So is my chapter in the book edited by Robert Clouse, *Wealth and Poverty: Four Christian Views of Economics* (1985). So are 20 years of my newsletter, *Biblical Economics Today*—over 1,600 double-spaced manuscript pages. There is, of course, always more work to be done, more Bible passages to consider. There are always more typesetting and printing expenses to pay. I plan to do the work and pay the expenses. But I think it is fair for me to ask my critics in 2012, as I asked in 1994: "Where have all the other Christian economists been for the last 40 years? Unlike me, they are being paid good salaries by colleges and universities to write books and articles. Where are all those explicitly Christian economics books and articles?"

The Association of Christian Economists has been around since the mid-1980s, but as far as I know, no other member has produced even one volume of an economic commentary on the Bible. I also have seen nothing like my book, *The Coase Theorem* (1992): an expressly Christian critique of a Nobel Prize-winning secular economist. Other than the ill-fated attempts by Keynesian Christian economist Douglas Vickers to refute my approach to the Bible and to economics,[64]

63. Edd S. Noell, "A Reformed Approach to Christian Economics: Christian Reconstruction," *Bulletin* (Spring 1993), p. 16.

64. Douglas Vickers, *Economics and Man: Prelude to a Christian Critique* (Nutley, New

no other Christian economist has challenged me exegetically on the issues I have been raising. No one has addressed the foundational epistemological questions that I raised as long ago as 1976.[65] Noell came close to admitting as much: "Outside of the Reconstructionist literature, one searches in vain for more than a handful of thoughtful, Biblically-based critiques of non-Christian economic methodology."[66] Christian critics have made it clear that they do not like my approach to economics, but not one of them has offered a systematic, integrated methodological alternative that he is willing to defend exegetically. The critics face the old problem of practical politics: they cannot beat something with nothing.

In this commentary, I have shown how the twin Mosaic principles of land and seed—ultimately, laws of inheritance—were limited both by time and geography. From the beginning, there were boundaries placed by God around all those laws that were judicial applications of the Abrahamic and Mosaic laws governing land and seed. There were also priestly laws that perished with the New Covenant, taking parts of Leviticus with them.

Let me cite once again my comments in chapter 17, "The Preservation of the Seed."

It is therefore mandatory on me or on another defender of theonomy's hermeneutic to do what Poythress said must be done: (1) identify the primary function of an Old Covenant law; (2) discover whether it is universal in a redemptive (healing) sense or whether (3) it is conditioned by its redemptive-historical context (i.e., annulled by the New Covenant). In short: What did the law mean, how did it apply in ancient Israel, and how should it apply today? This task is not always easy, but it is mandatory.

The question Poythress raised is the hermeneutical problem of identifying covenantal continuity and covenantal discontinuity. First, in questions of covenantal continuity, we need to ask: What is the un-

Jersey: Craig Press, 1976). This was followed by his brief book, *A Christian Approach to Economics and the Cultural Situation* (Smithtown, New York: Exposition Press, 1982), which in fact did not specify what this "Christian approach" is. For a response to Vickers, see Ian Hodge, *Baptized Inflation: A Critique of "Christian" Keynesianism* (Tyler, Texas: Institute for Christian Economics, 1986).

65. Gary North, "Economics: From Reason to Intuition," in North (ed.), *Foundations of Christian Scholarship: Essays in the Van Til Perspective* (Vallecito, California: Ross House Books, 1976), ch. 5.

66. Noell, p. 10.

derlying ethical principle? God does not change ethically. The moral law is still binding, but its application may not be. Second, this raises the question of covenantal discontinuity. What has changed as a result of the New Testament era's fulfillment of Old Covenant prophecy and the inauguration of the New Covenant? A continuity—prophetic-judicial fulfillment—has in some cases produced a judicial discontinuity: the annulment of a case law's application. A very good example of this is Leviticus 19:19.

I begin any investigation of any suspected judicial discontinuity with the following questions. First, is the case law related to the priesthood, which has changed (Heb. 7:11–12)? Second, is it related to the sacraments, which have changed? Third, is it related to the jubilee land laws (e.g., inheritance), which Christ fulfilled (Luke 4:18–21)? Fourth, is it related to the tribes (e.g., the seed laws), which Christ fulfilled in His office as Shiloh, the promised seed? Fifth, is it related to the "middle wall of partition" between Jew and gentile, which Jesus Christ's gospel has broken down (Gal. 3:28; Eph. 2:14–20)? These five principles prove fruitful in analyzing Leviticus 19:19.[67]

Let us ask another question: Is a change in the priesthood also accompanied by a change in the laws governing the family covenant? Jesus tightened the laws of divorce (Matt. 5:31–32). The church has denied the legality of polygamy. Did other changes in the family accompany this change in the priesthood? Specifically, have changes in inheritance taken place? Have these changes resulted in the annulment of the jubilee land laws of the Mosaic economy? Finally, has an annulment of the jubilee land laws annulled the laws of tribal administration?

I hope the reader recognizes by now that there are principles of interpretation that are applicable to the laws of the Mosaic Covenant. *The ultimate hermeneutic principle in the question of the continuity of the Old Covenant legal order in the New Covenant era is the principle of the boundary. Such a boundary does exist.* There is discontinuity. But other

67. There are several other hermeneutical questions that we can ask that relate to covenantal discontinuity. Sixth, is it an aspect of the weakness of the Israelites, which Christ's ministry has overcome, thereby intensifying the rigors of an Old Covenant law (Matt. 5:21–48)? Seventh, is it an aspect of the Old Covenant's cursed six day-one day work week rather than the one day-six day pattern of the New Covenant's now-redeemed week (Heb. 4:1–11)? Eighth, is it part of legal order of the once ritually polluted earth, which has now been cleansed by Christ (Acts 10; I Cor. 8)?

boundary principles allow us to determine whether a law has been resurrected with Jesus Christ in the New Covenant. Those case laws that have been resurrected with Christ and adopted into the New Covenant law-order provide Christians with their tools of dominion.